

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3379 of 2025

Arising Out of PS. Case No.-267 Year-2024 Thana- BODHGAYA District- Gaya

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1. Shivam Kumar @ Shibham Kumar, aged about 20 years, Male, Son of Umesh Yadav @ Umesh Kumar
 2. Umesh Yadav @ Umesh Kumar, aged about 48 years, Male, Son of Late Jageshwar Yadav @ Late Jageshwar Prasad
 3. Kamlesh Yadav, aged about 40 years, Male, Son of Late Jageshwar Yadav @ Late Jageshwar Prasad
 4. Gaurav Kumar, aged about 18 years, Male, son of Umesh Yadav @ Umesh Kumar
 5. Vicky Yadav @ Vicky Kumar @ Neeraj Kumar, aged about 23 years, Male, Son of Umesh Yadav @ Umesh Kumar

All are resident of Village - Budhaul, P.S - Bodhgaya, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Durgesh Nandan, Advocate
For the Opposite Party/s : Mr.Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 02-07-2025

Heard Mr. Durgesh Nandan, learned counsel

appearing on behalf of the petitioners and Mr. Anish Chandra,
learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Bodhgaya P.S. Case No. 267 of 2024 registered for the
offence(s) punishable under Sections 147, 149, 341, 323, 324,
307, 427, 504 and 506 of the Indian Penal Code.

3. As per the allegation made in the FIR, the accused



persons named therein including the petitioners have assaulted the informant and his relatives, as a result of which, the informant and his nephew sustained grievous injuries. One co-accused Birendra Yadav is said to have outraged the modesty of daughter-in-law of the informant.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. He further submitted that specific allegation of assault is against co-accused Birendra Yadav, Subodh Yadav, Hari Yadav, Om Prakash and Brajesh. Birendra Yadav has assaulted by means of butt of the rifle, Subodh Yadav has assaulted by means of rod, Hari Yadav has assaulted by means of *Tangi*, whereas Om Prakash and Brajesh have assaulted by means of *lathi*. There is general and omnibus allegation against the petitioners. He further submitted that the petitioner no.1 has one criminal antecedent in which he is on bail; petitioner no.2 has three criminal antecedents in which he is on bail, petitioner no.3 has one criminal antecedent in which he is on bail; petitioner no.5 has two criminal antecedents, in which he is on bail, while petitioner no.4 has clean antecedent. He further submitted that co-accused Hari Yadav, against whom, there is direct allegation of assault and co-accused Guddu Yadav



have already been granted pre-arrest bail by a co-ordinate Bench of this Court vide order dated 09.05.2025 passed in Cr. Misc. No.4276 of 2025, while another co-accused Ranjay Kumar has also been granted pre-arrest bail by a co-ordinate Bench of this Court vide order dated 19.05.2025 passed in Cr. Misc. No.12590 of 2025. He further submitted that in want of any direct allegation of assault having been made by the petitioners either on the persons of the informant or his nephew and also the fact that these petitioners have not outraged the modesty of the daughter-in-law of the informant, they deserve to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as the allegation made in the FIR, I find that the main allegation of assault has been levelled against co-accused Virendra Yadav, Subodh Yadav, Hari Yadav, Om Prakash and Brajesh. One criminal case is pending against petitioner no.1 and 3, in which they are on bail; three criminal cases are pending against petitioner no.2 in which he is on bail and two criminal cases are pending against petitioner no.5, in which he is on bail, while petitioner no.4 has no criminal



antecedent. Co-accused Hari Yadav, Guddu Yadav and Ranjay Kumar have already been granted pre-arrest bail by this Court.

7. Considering the nature of allegation made against the petitioner no.2 and also the fact that he is having criminal antecedents of three cases, **I am not inclined to grant pre-arrest bail to the petitioner no.2.**

8. **So far as petitioners no.1, 3, 4 and 5 are concerned, in the facts and circumstances of the case and also considering the nature of allegation made against them, petitioners no.1, 3, 4 and 5, above named, are directed to be released on pre-arrest bail,** in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Gaya in connection with Bodhgaya P.S. Case No. 267 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS.

9. The learned District Court is directed to verify the criminal antecedent of the **petitioners no.1, 3, 4 and 5** and if it is found that the **petitioners no.1, 3, 4 and 5** are involved in some other cases, as what has been stated in paragraph no.3 of



the bail application, this order will automatically lose its force.

10. The present bail application stands disposed of.

(Purnendu Singh, J)

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