

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13057 of 2025

Arising Out of PS. Case No.-320 Year-2024 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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1. Dayal Yadav Son of Ramsharan Yadav R/O-Village - Marah, P.S.- Dobhi, District- Gaya
 2. Raj Kumar Yadav @ Bakil Yadav @ Raj Kumar Son of Late Shiv Varat Yadav @ Shivbarat Yadav R/O-Village - Dubahal, P.S.- Magadh Medical P.S., District- Gaya
 3. Mantu Yadav @ Montu Yadav Son of Baldeo Yadav R/O-Village - Dubahal, P.S.- Magadh Medical P.S., 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 KHATIM REZA
ORAL ORDER

2 02-04-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Magadh Medical P.S. Case No. 320 of 2024 dated 03.12.2024,
instituted for the offence punishable under Sections 338, 336(3),
340(2), 61(2) of the BNS, 2023.

3. The prosecution case, in short, is that, the police got
information that some bogus voters have gathered at Naili
Booth to cast vote during 'PACS Election', 2024 and the police
personnel rushed to the spot and found Lavkush Kumar @
Bhola Kumar fleeing away from the spot and the police



personnel arrested him and on query the accused, Lavkush Kumar, disclosed that he had come to cast vote in favour of Rajkumar Yadav and one Aadhaar card existing in the name of Prem Bhandari and one mobile were alleged to be recovered from his possession and further disclosed that he was called by Dayal Yadav to cast bogus vote and he was provided chicken and rice. It is further alleged that Rs. 1000/- was promised to be paid to each of the bogus voters.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that petitioner no. 2 who is sitting Chairman of 'PACS' was contesting the election of PACS Chairman whereas his opponent who was contesting for the said post against petitioner no. 2 has set up a man i.e. Lavkush Kumar and the said Lavkush Kumar was arrested by the police who disclosed the name of petitioners. It is also submitted that except confessional statement of Lavkush Kumar, there is no other material against the petitioners. Lastly, it has been submitted that the petitioner no. 1 has no criminal antecedents whereas petitioner no. 2 & 3 have one criminal case against each of them.

5. Learned A.P.P. has opposed the prayer for bail of



the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Magadh Medical P.S. Case No. 320 of 2024, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. Vth, Gaya, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

Sankalp/-

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