

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8719 of 2025

Arising Out of PS. Case No.-258 Year-2023 Thana- BHAWANIPUR District- Purnia

Bhawesh Yadav @ Bhawesh Kumar Yadav, Son of Late Anirudh Yadav,
Resident of Vill- Madhav Nagar, Ward No. 2, P.S.- Bhawanipur, District-
Purnea

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Amit Kumar Anand, Advocate Mr. Bharti Kumari, Advocate
For the State	:	Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 02-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Bhawanipur P.S. Case No. 258 of 2023, dated 23.11.2023, registered for the offences punishable under Sections 341, 323, 324, 325, 307, 504, 506 and 34 of Indian Penal Code and subsequently added Section 302 of the Indian Penal Code on 06.12.2023.

3. The FIR has been lodged against six persons including the petitioner for murder of the victim/Mukesh Kumar Yadav. However, after investigation, police found the case untrue against the petitioner and charge-sheet was submitted against rest co-accused. But, at the time of cognizance, learned



Magistrate has taken cognizance against all the accused persons including the petitioner and hence, petitioner is seeking anticipatory bail.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He also refers to final form in this regard which is on record.

5. It is also stated in paragraph No. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedent.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, particularly the fact that the police after investigation has found the case untrue against the petitioner and cognizance has been taken by learned Magistrate despite closing of case by the police against the petitioner, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of



this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court below, in connection with Bhawanipur P.S. Case No. 258 of 2023, subject to the conditions as laid down under Section 482 (2) B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

Ramesh,S.Ali/-

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