

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12921 of 2025

Arising Out of PS. Case No.-713 Year-2024 Thana- FATEHPUR District- Gaya

Madhu Kumar @ Kumar Sani Raj @ Sani Raj Son of Ravindra Yadav @
Ravindra Prasad Yadav Resident of Village - Gopalkera, P.S. - Fatehpur,
District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-03-2025 Heard Mr. Prithvi Raj Singh, learned counsel for
the petitioner and Mr. Yogendra Kumar, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Fatehpur P.S. Case No. 713 of 2024, F.I.R. dated 10.11.2024 for the offences punishable under Sections 303(2), 189(2), 190, 191(2), 111(2)(b), 111(3), 111(4), 111(5), 61 and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. According to prosecution case, on secret information the police personnel got to know that the co-accused, Rakesh Kumar was carrying illegal sand and when the reached at the spot, then 10-15 persons including this petitioner came there and started scuffling with the police personnel and in



the meantime, the accused persons fled away with the seized tractor.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R, that the police has gone to arrest the co-accused, namely, Rakesh Kumar @ Lallu. As per allegation in the F.I.R, the petitioner and other 10-15 persons came forward for rescue of Rakesh Kumar @ Lallu from the possession of police personnel and started scuffle with the police personnel. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. and due to previous criminal antecedent of the petitioner, the name of the petitioner has been implicated in the present case. He further submits that there is no specific allegation against this petitioner rather there is allegation against 10-15 persons including this petitioner in the F.I.R.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one but fairly submits that the petitioner is on bail in one case out of two.



6. Considering the aforesaid facts and circumstances that there is no specific allegation against this petitioner, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Fatehpur P.S. Case No. 713 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at



any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Vanisha/-

U		T	
---	--	---	--

