

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13175 of 2025

Arising Out of PS. Case No.-431 Year-2024 Thana- GAYA KOTWALI District- Gaya

Amit Kumar Son of Munna Yadav Resident of Mohalla - Ekbal Nagar, Purani
Tanki, P.S.-Kotwali, 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 : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-03-2025 Heard Mr. Durgesh Nandan, learned counsel for the

petitioner as well as Ms. Sharda Kumari, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kotwali P.S. Case No. 431 of 2024, F.I.R. dated 25.08.2024 for the offences punishable under Sections 303(2), 132, 109 and 3(5) of the BNS.

3. According to prosecution case, the informant A.S.I. of Kotwali P.S., namely, Ajay Kumar Singh alleged in his written report that on 25.08.2024 at New Godown T.O.P. that he saw one tractor loaded with sand was coming from Panchayati Akhara, then he caught the driver and demanded the paper of sand but the driver of the said tractor was unable to produce the paper and he disclosed his name as Bigan Manjhi and at the

very time 4-5 persons arrived and took the said tractor.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in the present case on the basis of the disclosure made by the co-accused, namely, Bigan Manjhi. It appears from the FIR itself that except the aforesaid, no other material has come during the investigation, which suggest the involvement of the petitioner in the present occurrence and the one co-accused person also disclosed the name of the Munna Yadav, who happens to be the father of the petitioner.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is carrying one case other than the present one.

6. Considering the aforesaid facts that the name of the petitioner has been transpired on the basis of the disclosure made by the co-accused person, 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 Kotwali P.S. Case No. 431 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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.)

Jyoti Kumari/-

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