

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19986 of 2025

Arising Out of PS. Case No.-260 Year-2024 Thana- ATRI District- Gaya

1. Kaushal Kumar S/o- Mahesh Yadav Resident of Village- Rangupur Police Station- Atri District- Gaya
2. Rakesh Yadav @ Rakesh Kumar S/o- Raghunandan Yadav Resident of Village- Rangupur Police Station- Atri District- Gaya
3. Manish Kumar S/o- Vinod Yadav Resident of Village- Rangupur Police Station- Atri District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate
For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-04-2025 Heard Mr. Arvind Kumar, learned counsel for the petitioners and Ms. Sharda Kumari, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Atri P.S. Case No. 260 of 2024, F.I.R. dated 20.07.2024 for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 115, 118(1), 117, 118(2) and 109 of the B.N.S.

3. According to prosecution case, all accused persons named in the F.I.R. including the petitioners assaulted the son-in-law of the informant with an intention to kill with various weapons and country made pistol due to which he suffered



grievous injury. It is further alleged that left leg of the son-in-law of the informant was amputated.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. The present case is counter blast of Atri P.S. Case No. 443 of 2023 filed by the petitioner no. 2 against the informant and others. From perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners. Later on the injured person informed the informant that co-accused, namely, Mahesh Yadav cut the leg of the son-in-law of the informant.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts that the petitioners have clean antecedent and there is case and counter case against these petitioners, let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Atri P.S. Case



No. 260 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023 and with other following conditions:-

i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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