

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19648 of 2025

Arising Out of PS. Case No.-215 Year-2024 Thana- BODHGAYA District- Gaya

1. Shankar Yadav @ Prem Shankar Yadav S/O Kuleshwar Yadav R/O Vill.- Rohi Bigha, Parariya, P.S.- Magadh University, Dist.- Gaya.
2. Kuleshwar Yadav S/O Late Bandhu Yadav R/O Vill.- Rohi Bigha, Parariya, P.S.- Magadh University, Dist.- Gaya.
3. Priti Devi W/O Sajjan Kumar @ Sajjan Yadav R/O Vill.- Gafakala, P.S.- Bodhgaya, Dist.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brijmohan Das, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-04-2025 Heard Mr. Brijmohan Das, learned counsel for the

petitioners and Mr. Jagdhar Prasad, learned Additional Public

Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Bodhgaya P.S. Case No. 215 of 2024, F.I.R.
dated 04.05.2024 for the offences punishable under Sections 341,
323, 307, 504, 324, 379 and 34 of the Indian Penal Code.

3. According to prosecution case, the petitioners
and other accused persons have assaulted the informant and his
wife by means of various weapons due to which informant's head
fractured.

4. Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that there is a case and counter case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that 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 apart from that the injury sustained to the informant is simple in nature.

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

6. Considering the aforesaid facts, the petitioners have clean antecedent, there is a case and counter case and here is no specific allegation of any assault or overt act 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 Bodhgaya P.S. Case No. 215 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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