

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25712 of 2025

Arising Out of PS. Case No.-172 Year-2024 Thana- GAIGHAT District- Muzaffarpur

Mukesh Ram Son of Ganesh Ram R/O Vill- Kolhua, P.S.- Ahiyapur, District-
Muzaffarpur Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-08-2025 Heard Mr. Alok Kumar Alok, learned counsel for the

petitioner and Mr. Shailendra Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Gaighat P.S. Case No. 172 of 2024, F.I.R. dated 08.07.2024 for the offences punishable under Sections 319, 318(4), 338, 336(3), 340(2), 61(2), 205, 317(5) of the Bhartiya Nyay Sanhita, 2023.

3. As per the First Information Report, the police on the basis of secret information that there was altercation among two persons on the point of money, reached the place of occurrence and apprehended three persons.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. 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. The petitioner is not named in the FIR and his name transpired on the basis of disclosure made by apprehended co-accused person, namely, Vinod Mahto and nothing incriminating article was recovered from the conscious possession 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 not named in the FIR and apart from that Regular Bail application and Anticipatory Bail application of co-accused persons have been rejected by the co-ordinate Bench of other Court.

6. Considering the aforesaid facts and circumstances, petitioner has clean antecedent and his name transpired on the basis of disclosure made by apprehended 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 Judicial Magistrate 1st Class, Muzaffarpur(East) in connection with Gaighat P.S. Case No. 172 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 bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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