

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26451 of 2025

Arising Out of PS. Case No.-440 Year-2024 Thana- BARACHATTI District- Gaya

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Kailash Yadav Son of Mathura Yadav village- Patluka, ps- Barachatti, Dist-
Gaya
Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-07-2025 Heard Mr. Binod Kumar Sinha, learned counsel for

the petitioner and Mr. Madhura Nand Jha, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Barachatti P.S. Case No. 440 of 2024, F.I.R.
dated 25.09.2024 for the offences punishable under Sections
308(2), 308(4) of the Bhartiya Nyay Sanhita, 2023.

3. As per the First Information Report, the informant
alleged that when he along with other police personnel reached
near Suryamandal check post, he saw a youth taking money
from Truck drivers by threatening them with life and property.
Seeing the police, the youth left his motorcycle on road and fled
away.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the



present case merely on the basis of suspicion and except the suspicion, no other cogent material is available on record against the petitioner which suggest the involvement of the petitioner in the present occurrence. He further submits that during investigation all the witnesses are police officials and there is no independent witness to support the case of the prosecution.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances, except suspicion no other material has come during investigation against the petitioner which suggest the involvement of the petitioner in the present occurrence, let the petitioner, above named, in the event of his 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 A.C.J.M, Sherghati, Gaya in connection with Barachatti P.S. Case No. 440 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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