

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28942 of 2025

Arising Out of PS. Case No.-35 Year-2025 Thana- Kawaiya District- Lakhisarai

1. Ramanuj Kumar S/o- Gulo Yadav Resident of Jay Nagar Bari Kabaiya, Ward no- 32 PS-Kabaiya, Dist- Lakhisarai
2. Mahgu Yadav S/o- Late Rajo Yadav Resident of Jay Nagar Bari Kabaiya, Ward no- 32 PS-Kabaiya, Dist- Lakhisarai
3. Manish Kumar S/o- D.P Yadav @ Dev Nand Yadav Resident of Jay Nagar Bari Kabaiya, Ward no- 32 PS-Kabaiya, Dist- Lakhisarai
4. Chhotu Kumar @ Chhotu Yadav S/o- Ramashish Yadav Resident of Jay Nagar Bari Kabaiya, Ward no- 32 PS-Kabaiya, Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-05-2025 Heard Mr. Rabi Bhushan, learned counsel for the petitioners and Mr. Raj Ballabh Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kabaiya P.S. Case No. 35 of 2025 , F.I.R. dated 07.02.2025 for the offences punishable under Sections 191(2), 190, 303(2), 352, 351, 109(2) of Bharatiya Nyay Sanhita.

3. According to prosecution case, the informant alleged that on 06.02.2025 at about 9-10 P.M for the purpose of emersion of Idol of Maa Saraswati all the petitioners along with



other accused persons arrived near the door of the informant and played objectionable songs. When the husband of the informant came outside from his house and objected them, all of them abused and assaulted the informant by means of *lathi* and *danda*.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. The present case is the counter blast of Kabaiya P.S. Case No.32 of 2025 lodged by the side of the petitioners prior to the institution of the present case. Although the petitioners are named in the FIR but from bare perusal of the FIR it appears that there is no specific allegation of assault or overt act rather the allegation levelled against the accused persons including this petitioner is general and omnibus. He further submits that similarly situated co-accused persons, namely, Nitish Kumar@ Kundan Kumar, Sunil Kumar @ Sunil Yadav, Hareram Kumar, Ranjan Kumar, Kunta Yadav @ Alok Kumar, Sunil Kumar @ Niraj Kumar, Dhiraj Kumar have been granted the privilege of anticipatory bail by co-ordinate bench of this Court vide order dated 07.05.2025 in Cr.Misc No.26643 of 2025.

5. The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioners on the ground that petitioners have three criminal antecedents other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioners are on bail in the pending matters.

6. Considering the aforesaid facts and circumstances, there is no specific allegation against the petitioners and similarly situated co-accused persons have been granted the privilege of anticipatory bail by co-ordinate bench of this Court 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 C.J.M., Lakhisarai in connection with Kabaiya P.S. Case No. 35 of 2025, 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. 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 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 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)

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