

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31324 of 2025

Arising Out of PS. Case No.-432 Year-2018 Thana- BAKHTIYARPUR District- Patna

Subodh Kumar S/o Kapileshwar Singh @ Kapildeo Singh R/o Village-
Champapur, P.S.- Bakhtiyarpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-05-2025 Heard Mr. Manoj Kumar Pandey, learned counsel for
the petitioner and Mr. Lakshmi Kant Sharma, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bakhtiyarpur P.S. Case No. 432 of 2018, F.I.R. dated 26.08.2018 for the offences punishable under Sections 143, 147, 149, 283 and 353 of the Indian Penal Code.

3. According to prosecution case, on coalition of one tempo with one Scorpio in which some persons were injured and after some while two persons had been died for the aforesaid reason the petitioner and other co-accused persons obstructed the road.

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 as per allegation in the F.I.R., a tempo collide with one Scorpio whereby two persons have been died and after that the villagers made a road jam and the petitioner was amongst one of the villagers and the petitioner and other co-accused persons have also misbehaved with the police personnel. 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. Although, the petitioner is named in the F.I.R but it appears from the perusal of the F.I.R. that there is no specific allegation of any assault or overt act against this petitioner rather there is general and omnibus allegation against all the accused persons including this petitioner. He further submits that the similarly situated co-accused persons, namely, Bal Kisun Yadav @ Bal Krishna Singh has been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Court vide order dated 25.01.2025 in Cr. Misc. No. 52812 of 2022 and other co-accused persons have also been granted privilege of anticipatory bail by a Co-ordinate Bench of this Court.

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



6. Considering the aforesaid facts, the petitioner has clean antecedent and there is no specific allegation of any assault or overact and the similarly situated co-accused persons have been granted privilege of anticipatory bail by a Co-ordinate Bench of this Court, 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 Additional Chief Judicial Magistrate-III, Barh, Patna, in connection with Bakhtiyarpur P.S. Case No. 432 of 2018, 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. 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 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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