

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35502 of 2025

Arising Out of PS. Case No.-105 Year-2022 Thana- GURUA District- Gaya

Nageshwar Yadav S/o Raksha Yadav R/o Village- Baniya, P.S.- Gurua,
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durgesh Nandan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-07-2025 Heard Mr. Durgesh Nandan, learned counsel for
the petitioner and Mr. Sanjay Kumar Tiwary, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Neemchak Bathani P.S. Case No. 247 of 2024, F.I.R. dated 14.04.2022 for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 333, 353, 427 and 332 of the Indian Penal Code.

3. According to prosecution case, about 100 of accused persons including the petitioner have assaulted the informant and other police personnel and also damaged their vehicle.

4. Learned counsel for the petitioner submits that petitioner is innocent 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. He further submits that there is no specific allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons which are about 100 in number including the petitioner.

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

6. Considering the aforesaid facts and circumstances that there is no specific allegation of any assault or overt act attributed against the petitioner, 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 POCSO cum Additional District Judge VII, Gaya in connection with Neemchak Bathani P.S. Case No. 247 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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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