

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38114 of 2025

Arising Out of PS. Case No.-131 Year-2024 Thana- GRIYAK District- Nalanda

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Ashok Yadav S/o- Sura Yadav Village- Maira PS-Katrisarai District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-06-2025 Heard Mr. Pramod Kumar Sinha, learned counsel for
the petitioner and Mr. Anil Kumar, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Giriya P.S. Case No. 131 of 2024, F.I.R. dated 16.04.2024 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 448, 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, on 15.04.2024, in the night, some scuffle took place between the informant and the accused persons due to lifting the soil from the field of the informant and on 16.04.2024, in the morning, at about 3:00 A.M all the accused persons including the petitioner armed with lathi, danda etc. started banging the door of the informant and abusing and when the informant's brother objected, they assaulted his brother namely, Manoj Yadav and the accused persons also assaulted the



grandmother and sister-in-law of the informant by means of lathi, danda etc.

4. Learned counsel for the petitioner submits that due to admitted land dispute the petitioner has been falsely 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 offence as alleged in the F.I.R. From perusal of the F.I.R. it appears that although the petitioner is named in the F.I.R. but there is specific allegation attributed against co-accused person namely, Mukesh Yadav and there is no specific allegation of any assault or overt act attributed against the petitioner. He further submits that similarly situated co-accused person namely Radhika Devi has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 19.12.2024 passed in Cr. Misc. No. 84524 of 2024, another co-accused persons namely Rakesh Yadav, Rajo Yadav, Prahlad Yadav and Viki Yadav @ Vikke Yadav have been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 29.01.2025 passed in Cr. Misc. No. 72797 of 2024 respectively and the case of the petitioner is of similar footing.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries one more case other than the present one but



fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances of the case that there is no specific allegation of any assault or overt attributed against the petitioner and similarly situated co-accused persons have been granted the privilege of anticipatory bail by a Coordinate Bench of this Court, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Giriyak P.S. Case No. 131 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.



(3) 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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