

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43158 of 2025

Arising Out of PS. Case No.-648 Year-2024 Thana- GAYA MUFASIL District- Gaya

Baban Kumar @ Bimlesh Kumar, aged about 33 years, Gender- Male, son of
Shiv Kumar, resident of Village- Bhore, P.S.- Muffasil, District- Gaya,
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 17-10-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Mufassil PS Case No.648 of 2024 dated 29.07.2024, instituted
under Sections 329(3), 351, 352, 3(5) of the *Bharatiya Nyaya*
Sanhita, 2023 and Section 27 of the Arms Act.

3. The prosecution case, in brief, is that on the alleged
date of occurrence a *panchayati* was going on with regard to
land dispute between the informant and Mohan Yadav as well as
Sohan Yadav in the Community Hall. In the meanwhile, about
twenty persons armed with firearm from the side of the opposite
party of the informant came there and attacked and thereafter
the informant and other fled away from there. On the same day,
in the night, the petitioner and two others came at the house of
the informant and the petitioner is alleged to have made one



round firing and fled away after abusing.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that from the FIR itself it is clear that there is land dispute between the informant and Mohan Yadav as well as Sohan Yadav since last twenty years. Nothing incriminating has been recovered from the place of occurrence. Further submission is that no one has injured in the alleged occurrence. Further submission is that the petitioner is a political person and the Court below has rejected the prayer of the petitioner only because of his criminal antecedents. Lastly, it is submitted that five criminal cases are pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya, in Mufassil PS Case No.648 of 2024, subject to the conditions laid down in Section 482(2) of the *Bharatiya Nagarik Suraksha Sanhita*, 2023, and further (i)



that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed 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) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, (iv) that 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 and (v) that the petitioner within two weeks from the date of his furnishing bail bond in the Court below shall appear before the SHO of his local area along with a copy of this order and thereafter shall appear before him every fortnightly to mark his attendance till the framing of charge in the case by the trial Court.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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