

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43791 of 2025

Arising Out of PS. Case No.-396 Year-2025 Thana- MADHEPURA District- Madhepura

Ashok Kumar S/o Rajendra Yadav @ Rajendra Prasad R/o Village-
Jaipalpatti, Ward No. 15, P.S.- Madhepura, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate Mr. Dharmdev Kumar, Advocate Ms. Isha Mishra, Advocate
For the State	:	Mr. Bhanu Pratap Singh, APP
For the Informant	:	Mr. Durgesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 01-08-2025 Heard Mr. Sharda Nand Mishra, learned counsel for the petitioner, Mr. Durgesh Kumar, learned counsel for the informant and Mr. Bhanu Pratap Singh, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 10.04.2025 in connection with Madhepura (Bharrahi O.P.) P.S. Case No. 396 of 2025, F.I.R. dated 26.03.2025 for the offences punishable under Section 126(2), 115(2), 109, 308(4), 303(2), 352, 351(2), 3(5) of the BNS.

3. According to prosecution case, the petitioner along with other co-accused persons is said to have assaulted the informant and his family members. It is further alleged that they



demanded ransom of Rs. 10,00,000/- and they also snatched golden chain from the neck of the informant's wife and Rs.15,000/- cash from informant's pocket.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present. He further submits that the allegation as alleged in the FIR is false and fabricated and although, the petitioner is named in the FIR but there is no specific allegation of any assault or overt act attributed against the petitioner. The allegation against the petitioner is that he has taken Rs. 15,000/- from the pocket of the informant. It appears that the same is ornamental only to falsely implicate the petitioner in the present occurrence. It appears from the FIR itself that due to admitted land dispute, the present occurrence has taken place and the specific allegation of assault has been attributed against the co-accused persons and the co-accused persons, namely, Rajendra Yadav @ Rajendra Prasad Yadav has been granted privilege of anticipatory bail by this Court vide order dated 21.06.2025 passed in Cr. Misc. No. 45421 of 2025. The petitioner is in custody since 10.04.2025.

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



petitioner.

6. Considering the aforesaid facts and circumstances, the petitioner has clean antecedent, there is no specific allegation of any assault or overt act attributed against the petitioner and similarly situated co-accused person has been granted privilege of anticipatory bail by this Court, let the petitioner, above named, 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 C.J.M., Madhepura in connection with Madhepura (Bharrahi O.P.) P.S. Case No. 396 of 2025, subject to the 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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