

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43071 of 2025

Arising Out of PS. Case No.-40 Year-2025 Thana- FULKAHA District- Araria

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Kundan Kumar Yadav @ Kundan Yadav S/o Umesh Yadav Resident of
village- Khaira Chanda, P.S.- Narpatganj, District- Araria

... .. Petitioner/s

vs.

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

5 03-09-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner seeks bail in connection with Fulkaha P.S. Case No. 40 of 2025 instituted for the offence punishable under Sections 191(2), 262, 190, 126(2), 115(2), 105, 121(1), 121(2), 132, 324(4), 352, 351(2), 303(2), 61(2) of the B.N.S.

3. The prosecution case, in short, is that on input, the Informant, who is the officer-in-charge of Phulkaha P.S., along with police personnel reached to arrest Anmol Yadav who had come to attend the marriage of daughter of Subhas Yadav and found Anmol Yadav along with some associates at Lakshmipur Chowk in front of a shop. Having seen the police, he tried to escape but was arrested. On interrogation, he gave his details



and sat on police vehicle and then 17 named persons including the petitioners and 50 to 60 unknown persons armed with weapons, according to local Chawkidar, surrounded the police vehicle. Aforesaid persons damaged the police vehicle bearing Registration No. BR-38P-3479 by means of lathi, danda and iron rod and also tried to bring down Anmol Yadav from Government vehicle and also started to give threatening after abusing. The informant also said that they are police personnel of Fulkaha Police Station. In course of hustle, A.S.I. Rajiv Ranjan Mal fell down on road and became senseless. He was brought to Sub- Divisional Hospital, Forbesganj and the Doctor declared him dead. The arrested person, Anmol Yadav, was taken away forcefully by the all accused persons.

4. Learned counsel for the petitioner submits that only on the basis of suspicion the name of the petitioner has been implicated in this case and no specific allegation has been levelled against the petitioner. The allegation is general and omnibus. Lastly, it has been submitted that the petitioner having antecedent of 11 cases is in custody since 13.03.2025.

5. Learned A.P.P for the State opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, let 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 Judicial Magistrate 1st Class, Araria in connection with Fulkaha P.S. Case No. 40 of 2025, subject to the 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. 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.

4. 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.

5. The petitioner within two weeks of his release from custody shall appear before the S.H.O. of his local area



alongwith a copy of this order and shall appear every fortnightly
to mark his attendance till the framing of charge in this case.

(Khatim Reza, J)

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