

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38631 of 2025

Arising Out of PS. Case No.-479 Year-2024 Thana- RAJAON District- Banka

Birbal Yadav @ Bogi Yadav @ Birbal Kumar @ Birbal Kumar Yadav Son of
Sudho Pd. Yadav @ Sudho Yadav R/o Vill.- Shyampur Sanjha, P.S.- Rajoun,
Dist.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 51593 of 2025

Arising Out of PS. Case No.-479 Year-2024 Thana- RAJAON District- Banka

Goutam Choudhary @ Gautam Chaudhary S/o Bauni Chaudhary R/o vill -
Nayachak Makna, P.S. - Jagdishpur, Distt.- Bhagalpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 38631 of 2025)

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

(In CRIMINAL MISCELLANEOUS No. 51593 of 2025)

For the Petitioner/s : Mr. Pratyush Pratap Singh, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 02-09-2025 Heard learned counsel for the petitioners and learned APP
for the State. Perused the case diary.

2. The petitioners seek bail in connection with Rajoun
P.S. Case No. 479 of 2024 instituted for the offence under
Section 309(4) of the Bharatiya Nyaya Sanhita, 2023.



3. Prosecution case in a nutshell is that four miscreants robbed the motorcycle, money, mobile of the informant by inflicted him a danda blow on his head.

4. It has been submitted on behalf of the petitioners that the petitioner, namely, Birbal Yadav is in custody since 04-04-2025, having no criminal antecedent, whereas petitioner, namely, Goutam Choudhary is in custody since 14-05-2025, having eight criminal antecedents.

5. It has been further submitted by the petitioners' counsel that petitioners have been falsely implicated in the present case. Petitioners are not named in the FIR. Names of the petitioners have transpired in this case during investigation. Learned counsel for the petitioners submits that so far as injury of the informant is concerned the same is found to be simple in nature. Petitioners were not identified in the T.I. Parade. Nothing has been recovered from the possession of the petitioners. Charge sheet has already been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioners and charge sheet



being submitted, this Court is inclined to grant bail to the petitioners.

8. Let the petitioners be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Rajoun P.S. Case No. 479 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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