

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44826 of 2025

Arising Out of PS. Case No.-31 Year-2025 Thana- Vishwavidyalaya District- Bhagalpur

=====

Gaurav Kumar @ Chhotu Yadav @ Chotu Yadav S/o- Chander Yadav @
Chander Yadav Resident of Mohalla - Parbatti, P S.- Vishwavidyalaya , Dist-
Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ankit Raj, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-07-2025 Heard Mr. Ankit Raj, learned counsel for the petitioner

as well as Mr. Mrityunjay Kumar Nirala, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with University P.S. Case No. 31 of 2025, F.I.R. dated
24.03.2025 for the offences punishable under Sections 126(2),
115(2), 117(2), 109, 303(2), 351(2), 352, 3(5) of the BNS, 2023.

3. According to prosecution case, the petitioner
along with other co-accused persons is said to have assaulted the
informant and snatched Rs. 3,000/-, one gold chain and mobile of
the informant. It is further alleged that accused persons also
snatched mobile phone of one, Ajit Kumar.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that although the petitioner is



named in the FIR but from a bare perusal of the F.I.R, it appears that there is no specific allegation of any assault or overt act attributed against this petitioner rather there is general and omnibus allegation against the petitioner. The specific allegation of assault has been attributed against the co-accused person, namely, Kanhaiya Yadav.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R and apart from that the petitioner carries two criminal antecedent 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 matters.

6. Considering the aforesaid facts and circumstances, there is no specific allegation of any assault or overt act attributed against this petitioner rather there is general and omnibus allegation against the petitioner and the specific allegation of assault has been attributed against the co-accused person, namely, Kanhaiya Yadav, 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Bhagalpur in connection with University P.S. Case



No. 31 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ 482(2) of the BNSS, 2023 and with other 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)

priyanka/-

U		T	
---	--	---	--

