

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49981 of 2025

Arising Out of PS. Case No.-10 Year-2025 Thana- MADANPUR District- Aurangabad

Aakash Kumar S/o Ram Sundar Yadav Resident of Village- Kushaha, P.S.-
Madanpur, Distt- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajni Kant Singh

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

3 16-10-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Madanpur P.S. Case No. 10 of 2025 registered for the offences punishable under Sections 103(1) and 3(5) of the BNS.

3. As per the prosecution case, the petitioner and three others are said to have assaulted the victim, who was a conductor of a bus, for dispute over stoppage due to which he died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as much or less as alleged in the F.I.R. and has been falsely implicated in this case. The allegations levelled against the petitioner are general



and omnibus in nature and neither any specific overt act nor any uniform role has been attributed to the petitioner. The informant who is the own brother of the deceased and claims himself to be the eye-witness surprisingly did not resisted a bit or did nothing in the course of entire alleged occurrence despite of being present there which in itself puts a question over the credibility of his fardbeyan and suggests the reality of the false implication. It is further submitted that there is complete lack of intention of murder if F.I.R. presumed to be true. It is also submitted that Other co-accused person namely, *Dinesh Kumar* has been granted bail by the Co-ordinate Bench of this Court vide order dated 16.09.2025 in Cr. Misc. No. 46799 of 2025. Petitioner is in custody since 14.01.2025 without having any criminal antecedent.

5. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

6. The driver who is said to be the main independent eye witness of the alleged occurrence, his statement has been recorded in para 18 of the case diary in which he has stated about the scuffle and assault made to the deceased and during the course of assault deceased become unconscious. By which means or motive, the assault was made he has not stated



anything regarding the same in his statement.

7. After going through the aforesaid facts, and considering the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Madanpur P.S. Case No. 10 of 2025 subject to the following conditions :-

(i). Petitioner will remain physically present in trial on each and every date till the disposal of the case failing which, on two consecutive dates without reasonable cause, the bail bond of the petitioner may be cancelled by the Trial Court.

(ii). One of the bailor shall be his family member.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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