

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52571 of 2025

Arising Out of PS. Case No.-41 Year-2025 Thana- Bankebazar District- Gaya

Mukesh Kumar S/o Rakesh Bhuiyan @ Rakesh Bharti Resident Of Village -
Moneya, P.O.- Pananiya, P.S.- Banke Bazar, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

2 13-08-2025 Heard Mr. Md. Javed Jafar Khan, learned counsel

for the petitioner and Ms. Sharda Kumari, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Banke Bazar P.S. Case No. 41 of 2025, F.I.R. dated 25.03.2025 for the offences punishable under Sections 127(2), 115(2), 109, 74, 125(b), 3(5) of the Bhartiya Nyay Sanhita, 2023.

3. As per the First Information Report, the informant alleged that on 23.03.2025, when she had gone to river to ease herself then the petitioner along with other accused person came from behind and caught her with bad intention and tried to beat her. Anyhow she managed to escaped then the accused persons threw stone chips on her which hit on her head due to which she got injured.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. Although the petitioner is named in the FIR but it appears from the FIR that the date of occurrence is 23.03.2025 and the informant has stated in the FIR that she informed police on phone no.112 but the present FIR has been instituted on 25.03.2025 i.e. after delay of two days, after thought only to falsely implicate the petitioner. From bare perusal of the FIR it appears that there is no specific allegation against the petitioner rather the allegation levelled against other accused person including this petitioner is general and omnibus

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

6. Considering the aforesaid facts and circumstances, there is no specific allegation against the petitioner and the petitioner has clean antecedent, and the present FIR instituted after delay of two days, let the petitioner, above named, in the event of 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 Judicial Magistrate, 1st Class, Sherghati, Gaya in connection with Banke Bazar P.S. Case No.



41 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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 bond 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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