

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54746 of 2025

Arising Out of PS. Case No.-1147 Year-2024 Thana- GAYA MUFASIL District- Gaya

Raj Babbar Gope @ Baban Yadav @ Rajbabbar Gope S/O Jamun Yadav @
Jamuna Gope @ Yamuna Gope @ Yamuna Yadav R/O Vill.- Baradih, P.S.-
Gaya Mufassil, Dist.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh

For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-09-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 303(2),
317(2) and 111(1) of the Bharatiya Nyaya Sanhita.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of two cases and the informant alleges
that accused persons were indulging in unloading of sand on 28-
12-2024, on seeing the police the accused tried to flee but one
accused Rahul was apprehended along with tractor and a
motorcycle who disclosed the name of petitioner and also
disclosed that tractor and motorcycle belong to the petitioner.

4. The learned counsel for the petitioner submits that



petitioner has been falsely implicated in the instant case by the informant based on confessional statement of Rahul in custody which does not have any evidentiary value. It is asserted and submitted that neither the tractor nor the motorcycle which was seized from the spot belongs to the petitioner. It is next submitted that on 26-12-2024 Gaya Muffasil PS Case No. 1137 of 2024 was instituted by the police in which a red color Mahindra tractor bearing registration No. BR-02GD-3430 was seized by the police. It is submitted that the said tractor belongs to the petitioner which was being misused by his driver and the same has been released after the petitioner paid the compounding fee. The learned counsel for the petitioner reiterates and submits that in the event if during the course of investigation it is established that either the tractor or the motorcycle apprehended in the instant case belongs to the petitioner in that event the bail bonds of the petitioner shall be liable to be cancelled. It is also submitted that the petitioner will not abscond rather will cooperate in the investigation to prove his innocence and also the fact that the tractor and the motorcycle neither belongs to the petitioner nor any of his immediate family members including father and brother.

5. Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Gaya Muffasil P.S. Case No. 1147 of 2024, subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner, despite giving assurance to this Court, is not cooperating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

8. It is further made that if during the course of investigation it is established that the motorcycle and the tractor belongs to the petitioner or his immediate family members and the charge sheet is submitted, in that event the present anticipatory bail order shall lose its effect.



9. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

(Satyavrat Verma, J)

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