

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57860 of 2025

Arising Out of PS. Case No.-300 Year-2025 Thana- TURKAULIYA District- East
Champaran

Gorakh Yadav, S/o Late Yogi Yadav @ Yogi Rai @ Bhogi Yadav, R/o Village
- Shankar Saraiya, Ahir Toli, P.S - Turkauliya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 28-11-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State

2. Petitioner, who is in custody, seeks bail in connection with Turkauliya P.S. Case No. 300 of 2025 registered for the offences punishable under Sections 191(2), 190, 126(2), 115(2), 118(1), 117(2), 109(1) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution case, the informant has alleged that the petitioner along with others, all variously armed, attacked the prosecution party and it has been specifically stated that Sanjay Yadav assaulted upon the informant while Raushan Kumar @ Saheb Yadav assaulted Akash Kumar, Yashwant Kumar assaulted Arjun Kumar and one Shubham Kumar



assaulted Chandra Kishore Yadav. It has further been alleged that it was on account of a land dispute that the said incident had occurred.

4. The learned counsel for the petitioner submits that though the petitioner is named in the FIR, however, there is no specific allegation of overt act alleged against the petitioner. It has been submitted that at best he can be said to be a member of the mob. It has been further submitted that co-accused, namely, Sanjay Yadav against whom there is specific allegation of assault has been granted privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 70431 of 2025 vide order dated 19.11.2025. It has also been submitted that the petitioner has three criminal cases against his name and he is in custody since 25.06.2025.

5. The learned A.P.P. has vehemently opposed the prayer for bail and has submitted that there is specific allegation of the petitioner to be armed and one of the members who was present there and assaulted the informant and others.

6. Considering the aforesaid submissions made by the parties and taking into account that there is no specific allegation of overt act against the petitioner, let the petitioner, above named, 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 court below where the case is pending/successor court in connection with Turkauliya P.S. Case No. 300 of 2025 subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned 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.

(vi) In view of the antecedent of the petitioner, the petitioner is directed to appear before



the Superintendent of Police, East Champaran within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned, order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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