

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72214 of 2025

Arising Out of PS. Case No.-332 Year-2024 Thana- KHIJARSARAI District- Gaya

Bhola Yadav @ Vikram Kumar S/o Subodh Yadav @ Subodh Kumar R/o
Village- Pachlakh, P.S.- Khizersarai, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar
For the Opposite Party/s : Mr.Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-11-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State, Shri Jharkhandi Upadhyay.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 126(2), 74,
76, 109, 303(2) of the Bharatiya Nyaya Sanhita.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that petitioner finding her alone in the house entered the
house and tried to act inappropriately and even bit her cheeks,
on alarm the villagers gathered when the accused fled. It is also
alleged that petitioner was trying to strangle her.

4. Learned counsel for the petitioner submits that
petitioner has been falsely implicated in the instant case by the
informant. It is next submitted that from perusal of the



allegation as alleged in the FIR, it would manifest that neither the time nor the date of occurrence is recorded. It is further submitted that petitioner and the informant are agnates and are having dispute relating to land, but then the said fact has been concealed in the FIR. It is also submitted that informant is aged about 68 years as it does not appear probable that petitioner would have entered the house with an intention to commit rape. It is submitted that police during the course of investigation never felt the need of arresting the petitioner and submitted charge-sheet but then did not find the case to be true under Section 109 BNS. It is next submitted that when police during the course of investigation never felt the need of arresting the petitioner as such no useful purpose would be served by sending the petitioner to jail based on the fact that cognizance came to be taken. It is further submitted that petitioner will not abscond rather will cooperate in the trial.

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. 10,000/- (Rupees Ten 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 Khizersarai P.S. Case No. 332 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 learned trial court comes to a conclusion that petitioner after obtaining anticipatory bail is trying to delay the framing of charge or after framing of charge is delaying the trial in any manner, in both the conditions the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

Sumit/-

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

