

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74872 of 2025

Arising Out of PS. Case No.-40 Year-2025 Thana- GWALPARA District- Madhepura

Ajit Kumar Son of Late Gagan Yadav Resident of Mohalla -Shyam Ward No
10 PS- Gwalpara, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Patla Kumari, Advocate
For the State : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-11-2025 Heard Mrs. Patla Kumari, learned counsel for the
petitioner and Mr. Satyendra Prasad, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Gwalpara P.S. Case No. 40 of 2025, F.I.R. dated 12.02.2025 registered for the offences punishable under Sections 126(2), 115(2), 127(2), 74, 324(4), 303(2), 3(5) of BNS and Section 27 of the Arms Act.

3. Allegation against the petitioner is that he along with other co-accused persons have assaulted the mother of the informant due to which she sustained injuries.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not



committed any offence as alleged in the F.I.R. It appears from the F.I.R. itself that although the petitioner is named in the F.I.R. but there is no specific allegation of any assault or overt act or firing attributed against the petitioner and there is specific allegation of assault attributed against co-accused persons namely Indradeo Yadav and Gajendra Yadav that they have assaulted the mother of the informant. There is case and counter case between the parties.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is named in the F.I.R. and apart from that he along other co-accused persons have assaulted the mother of the informant as well as the petitioner carries two more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matters.

6. Considering the facts and circumstances of the case that there is no specific allegation of any assault or overt act attributed against the petitioner and there is specific allegation of assault attributed against co-accused persons namely Indradeo Yadav and Gajendra Yadav, let the petitioner, above named, in the event of his 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Madhepura in connection with Gwalpara P.S. Case No. 40 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 bonds 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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