

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76497 of 2025

Arising Out of PS. Case No.-947 Year-2024 Thana- GAYA MUFASIL District- Gaya

Jayram Malakar Son of Late Lakshmi Malakar R/o Village - Bhadeja, P.S. -
Muffasil, Dist. - Gaya(Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-11-2025 Heard Mr. Abhay Kumar Singh, learned counsel for
the petitioner and Mr. Narsingh Tanti, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Muffasil P.S. Case No. 947 of 2024, F.I.R. dated 24.10.2024 for the offences punishable under Sections 190, 191(2), 191(3), 109, 303(2), 317(2), 317(4), 317(5), 111, 125, 132, 121(1), 121(2) of the Bhartiya Nyay Sanhita, 2023 and Section 27 of the Arms Act.

3. As per the First Information Report, on secret information when the informant reached the place of occurrence, several tractor drivers and its owner started throwing sand into the river and tried to flee away. In the meantime, police apprehended six persons and seized 21



tractors loaded with sand and one motorcycle.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. Initially the petitioner was not named in the FIR and his named transpired on the basis of disclosure made by apprehended co-accused persons, namely, Mukul Kumar and others and although 21 tractors loaded with sand and one motorcycle was recovered from the place of occurrence but petitioner is not the owner of the seized vehicles and except the disclosure made by apprehended co-accused persons, no other cogent material has come during investigation which suggest the involvement of the petitioner in the present occurrence and similarly situated co-accused persons, namely, Jitendra Yadav and Sunil Saw @ Sunil Kumar @ Sunil Kumar Gupta have been granted the privilege of anticipatory bail by co-ordinate Bench of this Court vide order dated 18.06.2025 and 26.09.2025 in Cr. Misc. No. 35517 of 2025 and Cr. Misc. No. 63955 of 2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner is named in the FIR and apart from that the petitioner carries four criminal antecedents other than the present one but fairly submits on the basis of paragraph-3 of the



bail application that the petitioner is on bail in the pending matters.

6. Considering the aforesaid facts and circumstances, the name of the petitioner transpired on the basis of disclosure made by apprehended co-accused persons and similarly situated co-accused persons have been granted the privilege of anticipatory bail by co-ordinate Bench of this Court, 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 Chief Judicial Magistrate, Gaya in connection with Muffasil P.S. Case No. 947 of 2024, 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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