

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87586 of 2024

Arising Out of PS. Case No.-687 Year-2024 Thana- GAYA MUFASIL District- Gaya

Badal Kumar Boldi @ Badal Kumar @ Bodil Kumar @ Sunny Kumar Son of
Tuntun Paswan Resident of Village - Kharhari, P.S. - Muffasil, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma, Adv.

For the Opposite Party/s : Mr.Shantanu Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 21-03-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Muffasil P.S. Case No. 687 of 2024 instituted for the offences under Sections 126(2), 115(2), 109, 140(3), 308(3), 303(1), 3(5) of the B.N.S., 2023.

3. The prosecution case, in short, is that on 10.08.2024 when the Informant was going to meet his friend, all the accused persons including the petitioner stopped him and all of a sudden assaulted at his head due to which the Informant fell down and got unconscious. Thereafter, the Informant was taken to Doctor with the help of the accused persons and got treated. It is further alleged that all the accused persons took the Informant on



motorcycle near the bank of *Falgu* river and the co-accused Rocky Kumar dialed to the phone number of the house of the Informant from his mobile and demanded Rs. Two lac from the mother of the Informant whereafter his mother informed the matter to the police. It is also alleged that the accused persons took away Rs. Forty thousand, locket, Aadhar card and Pan card of the Informant when he was unconscious.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case with false and frivolous allegations that too merely on the basis of suspicion and dirty local friend politics. He further submits that the date of occurrence is 10.08.2024 but, the F.I.R. was lodged on 12.08.2024 i.e. after delay of two days without there being any plausible explanation for such delay which creates doubt in the veracity of the prosecution case. Learned counsel for the petitioner submits that the petitioner has been made accused in this case on the basis of the confessional statement of the co-accused in Buniyadganj P.S. Case No. 144 of 2022. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The specific allegation of *Rangdari* is upon the co-accused Rockey. Nothing incriminating/looted article has been



recovered from the conscious/physical possession of the petitioner. The injury sustained by the petitioner is simple in nature. There is no eye/independent witness to the alleged occurrence rather the same are interested witnesses i.e. the Informant himself and his family members. The petitioner has one criminal antecedent and is languishing in judicial custody since 13.08.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. He further submits that Para-46 of the case diary shows that the Informant has suffered several injuries over his body. The petitioner has one criminal antecedent and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case and the period of custody of the petitioner as also there being no specific allegation of any overt act against the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Muffasil P.S. Case No. 687 of 2024,



subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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