

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85095 of 2025

Arising Out of PS. Case No.-737 Year-2025 Thana- BODHGAYA District- Gaya

Kamlesh Yadav S/o Ramchandra Yadav Resident of Village - Sijua, P.S -
Bodhgaya, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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

ORAL ORDER

2 04-12-2025 Today, the matter has been listed under the heading

for early hearing of the matter at the instance of the petitioner
for grant of provisional bail. However, in the interest of justice,
the prayer of the petitioner for grant of bail is being heard on
merit.

2. Heard learned counsel for the petitioner and learned
APP for the State.

3. The petitioner seeks bail in connection with
Bodhgaya P.S. Case No. 737 of 2025 instituted for the offences
punishable under Sections 318(4), 3(5) of the Bharatiya Nyaya
Sanhita, Sections 3/4 of the Gambling Act and Section 37 of the
Bihar Prohibition and Excise Act.

4. The prosecution case, in short, is that the accused



were caught gambling during police patrolling and were found in a drunken state. It is further alleged that there is recovery of playing cards and cash as also motorcycle from the spot.

5. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioner rather the recovery has been made from the community hall which is a public place and is accessible to public at large. The petitioner has got no concern with the alleged recovery of liquor. Petitioner is not the owner of the motorcycle in question. The petitioner is in custody since 22.11.2025 and has no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Bodhgaya P.S. Case
No. 737 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of
the family of the petitioner.

(II) The petitioner shall appear on each and every date
fixed at the trial. In case of default in such appearance on two
consecutive dates, the Trial Court will have liberty to cancel the
bail bonds of the petitioner.

(III) 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.

9. Pending Interlocutory application, if any, stands
disposed of.

(Rudra Prakash Mishra, J)

Alok Verma/-

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