

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89970 of 2024

Arising Out of PS. Case No.-157 Year-2023 Thana- ROSHANGANJ District- Gaya

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Brajesh Kumar @ Brajesh Yadav Son of Bangali Yadav @ Vangali Yadav
Resident of Village- Meghanadih, Post -Parsawan, PS- Roushanganj, District-
Gaya, Bihar-824217

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shama Sinha, Advocate

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-01-2025 Heard Mr.Shama Sinha, learned counsel for the

petitioner and Mr.Jharkhandi Upadhyay, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Roushanganj (Bankebazaar) P.S. Case No.157 of 2023, dated 01.06.2023 registered for the offences punishable under Sections 147, 148, 149, 341, 342, 427, 436, 384, 385, 120(B), 379 of IPC and Section 27 of the Arms Act.

3. According to prosecution case, the FIR named accused persons along with thirty unknown persons armed with lathi, danda, pistol and iron-rod came at Balu Ghat Cluster No.31 and set ablaze the Hyva truck, damaged other vehicles



and also the Poclain machine. It is further alleged that the accused persons snatched Rs. 67,000/- (rupees sixty-seven thousand) from the office and demanded Rs. 1,000/- (rupees one thousand) per loading of vehicle as ransom.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case due to village politics. It appears from the FIR that all the petitioners are named in the FIR but there is no specific allegation of any assault or overt-act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner and co-accused persons, namely, Kaushal Kumar & Ors have been granted privilege of anticipatory bail by this Court vide order dated 02.04.2024 passed in Cr. Misc. No.16037 of 2024 and co-accused person, namely, Pramod Yadav has also been granted privilege of anticipatory bail by this Court vide order dated 04.10.2024 passed in Cr. Misc. No.73132 of 2024 and the case of the petitioner is on similar footing.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and petitioner has clean antecedent, 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 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, First Class, Gaya in connection with Roushanganj (Bankebazaar) P.S. Case No.157 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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