

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10325 of 2026

Arising Out of PS. Case No.-25 Year-2019 Thana- PANDARAK District- Patna

Biru Rai @ Biru Yadav Son of Kapil Yadav @ Kapil Rai Resident of Village -
Manjhala Bigha, Police Station - Pandarak, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh, Advocate
For the State : Mr. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-04-2026 Heard Mr. Satish Kumar Singh, learned counsel for
the petitioner and Mr. Dr. Indihar Kumari, learned APP for the
State.

2. Petitioner seeks bail, who is in custody since
18.12.2024, in connection with Pandarak P.S. Case No. 25 of
2019, F.I.R. dated 07.03.2019 registered for the offences
punishable under Sections 341, 323, 504, 506, 363, 365, 34 of the
Indian Penal Code and Section 27 of the Arms Act.

3. Allegation against the petitioner is that he along with
other co-accused persons started abusing and assaulted the
informant and his father. While the informant managed to escape,
his father was caught by the five named accused persons including
the petitioner and also five unknown persons. Thereafter his father
was not to be found. The informant suspects that his father has



been killed.

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. and the petitioner has been made accused in the present due to admitted land dispute between the parties. Learned counsel for the petitioner further submits that the name of the petitioner has been transpired on the basis of confessional statement of co-accused person namely Dharo Rai @ Dharmendra Kumar and except the confessional statement of co-accused person, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the person who has confessed the name of the petitioner, namely, Dharo Rai @ Dharmendra Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 15.12.2023 passed in Cr. Misc. No. 77591 of 2023, another co-accused person namely Shravan Mahto @ Sraban Mahto has been granted bail by a Coordinate Bench of this Court vide order dated 31.03.2022 passed in Cr. Misc. No. 49228 of 2021, another co-accused person, namely, Dayanand Rai @ Dayanand Prasad has been granted bail by a Coordinate Bench of this Court vide order dated 15.05.2025 passed in Cr. Misc. No.



8748 of 2025, another co-accused person, namely, Shatrughan Roy has been granted bail by a Coordinate Bench of this Court vide order dated 01.09.2025 passed in Cr. Misc. No. 36121 of 2025 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 18.12.2024.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries three 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 and the fact that similarly situated co-accused persons have been granted bail by a different Coordinate Benches of this Court as well as period of custody, let the petitioner, above named, 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 First Class, Barh, Patna in connection with Pandarak P.S. Case No. 25 of 2019, subject to the 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 antecedents, 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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