

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82827 of 2025

Arising Out of PS. Case No.-304 Year-2024 Thana- SURYAGARHA District- Lakhisarai

Rudal Yadav @ Rudhal Yadav S/o Upendra Yadav R/o Village- Khemtarni
Asthan, P.S- Surajgarha, Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-03-2026 Heard Mr.Abhay Shanker Singh, learned counsel for
the petitioner and Mr.Raj Ballabh Singh, learned Additional
Public Prosecutor for the State.

2. The petitioner seeks bail, who is in custody since
16.06.2025 in connection with Surajgarha P.S. Case No. 304 of
2024, F.I.R. dated 02.11.2024 registered for the offence
punishable under Sections 191(2), 191(3), 190, 126(2), 115(2),
118(1), 109(1), 329(3), 103(1), 352 of BNS.

3. Allegation against the petitioner is that he
alongwith co-accused person, namely, Sintu Kumar badly
assaulted the informant and his brother and due to which the
informant's brother died.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent. It appears from



the FIR itself that due to some previous land dispute the present occurrence had taken place and there is a number of cases pending between the parties. Although the petitioner is named in the FIR and there is specific allegation against the petitioner that he also assaulted to the deceased by means of iron rod and postmortem report also supports the same but the learned counsel for the petitioner submits that the date of occurrence as alleged in the FIR is 01.11.2024 at about 3.45 PM and inquest report was prepared on 01.11.2024 on the same day and postmortem was conducted on 01.11.2024 i.e. the date of occurrence at about 10.05. PM but the present FIR has been instituted on 02.11.2024 at 04.15 PM afterthought only to falsely implicate the entire family members of the petitioner. Further submits that the co-accused persons, namely, Upendra Yadav and Ballabh Yadav have been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 16.07.2025 passed in Cr. Misc. No.42804 of 2025. The police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 16.06.2025.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean



antecedent, the FIR has been instituted after conducting the postmortem which suggests that the informant afterthought has lodged the present FIR only to falsely implicate the petitioner in the present case, apart from that, the inquest report does not support that the petitioner has committed the present crime in question, let the petitioner, above named, 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 C.J.M., Lakhisarai in connection with Surajgarha P.S. Case No. 304 of 2024, with the 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 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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