

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34260 of 2016

Arising Out of PS.Case No. -148 Year- 2016 Thana -SAHARSA District- SAHARSA

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1. Lalan Kumar Yadav @ Lalan Yadav, son of Late Anup Lal Yadav
2. Ram Kumar Yadav @ Ram Pukar Yadav, son of Late Anup Lal Yadav
Both residents of village Hasa Hakpara, P.S. - Saharsa, District - Saharsa.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pramod Mishra, Advocate
For the Informant : Mr. Pramod Kumar Singh, Advocate
For the State : Mr. Damodar Prasad Tiwary, A.P.P.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 14-09-2016 I have heard learned counsel for the petitioners, the

State and the informant.

Affidavit has been filed on behalf of the informant

stating that petitioners are involved in several criminal cases and

in fact, in one of the bail orders, it has been observed that it the

petitioner no. 1, Lalan Kumar Yadav @ Lalan Yadav would

found to be involved again in criminal case then bail bond should

be cancelled.

On such assertion having been made on behalf of the

informant, learned counsel for the petitioners seeks leave to

withdraw this application so far it concerns the petitioner no.1 to

surrender and seek regular bail.

Accordingly, this application stands dismissed as withdrawn so far the petitioner no.1 is concerned.

However, it is further made clear that if the petitioner no.1 surrenders and seeks regular bail then the court below would consider his application on its own merit and in accordance with law without being prejudiced by the present order.

The petitioner no.2 apprehends his arrest in a case registered for offences punishable under Sections 147, 148, 149, 341, 323, 379, 384, 387, 504 and 427 of the Indian Penal Code.

So far the petitioner no.2 is concerned, it is contended that the allegation is general and omnibus against him and there is specific allegation against petitioner no.1, Lalan Kumar Yadav @ Lalan Yadav. Petitioner is stated that his antecedent is clean whereas in the affidavit filed on behalf of the informant, it is stated that several criminal cases are pending against the petitioners and a chart has been given in which involvement has been shown in several criminal matters.

However, learned counsel for the petitioner insists that antecedent of the petitioner no.2 is clean and allegation against him is general and omnibus in nature.

Having regard to the facts and circumstances of the case, let the petitioner no.2, namely, Ram Kumar Yadav @ Ram

Pukar Yadav be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Saharsa P.S. Case No. 148/2016, on furnishing bail bond of Rs.10,000 (Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Saharsa subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

However, before accepting the bail bonds, the court below would make verification regarding criminal antecedent of the petitioner no.2 and if he is found to be involved in any criminal case prior to 15.07.2016 i.e., the date on which the present affidavit has been sworn, he would be taken in custody. However, at the same time, if he is not found involved in any criminal cases then his bail bond would be accepted.

(Dr. Ravi Ranjan, J)

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