

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38377 of 2019

Arising Out of PS. Case No.-56 Year-2019 Thana- BIHARSHARIF District- Nalanda

RAJBABBAR YADAV @ RAJBABBAR KUMAR Son of Yadunandan Prasad Resident of Mohalla - Garhpar, Bichali Killa, near Paker Tree, P.S.- Bihar, Distt - Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suryakant Kumar, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 13-09-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 341, 323, 337, 338, 307, 504/34 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Bihar P.S. Case No. 56/2019.

3. It is submitted that the petitioner has been falsely implicated and the accusation of assault by as many as 25 to 30 armed persons is not corroborated by the injury report which discloses only one injury to the informant, which is simple in nature. The specific accusation of assault on the petitioner who is said to have tried to strangle Gyan Chand Kumar and assaulted him with a bamboo and thereafter fired on the informant are not corroborated by any injury report. The injury on the head of the informant is attributed to the other unknown persons who are said to have accompanied the petitioner. Petitioner claims clean antecedent.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from



the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda in connection with Bihar P.S. Case No. 56/2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Prakash Narayan /-

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