

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38410 of 2019

Arising Out of PS. Case No.-266 Year-2017 Thana- BIHRA District- Saharsa

CHHOTE LAL YADAV @ CHHOTE LAL KUMAR Son of Shibo Yadav
Resident of Village - Khonha, P.S.- Bihra, District - Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Adv.

For the Opposite Party/s : Mr.Yogendra Kumar, 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, 324, 307, 504, 379, 34 of the Indian Penal Code and 27 Arms Act registered in connection with Bihra P.S. Case No. 266/2017.

3. It is submitted that the petitioner has been falsely implicated and accusations of having assaulted the informant as well as informant's younger son with spade causing injury to them are highly improbable as the petitioner is said to have been armed with a three knot pistol. In any event there is nothing to indicate that the injuries are grievous in nature.

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 provisional 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, Saharsa in connection with Bihra P.S. Case No.



266/2017, 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.

5. The provisional bail granted to the petitioner shall be confirmed by the learned court below upon verification within a further period of four weeks after furnishing bail bonds, that no grievous injuries has been caused to the informant or his younger son. In case grievous injuries is found, his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

Prakash Narayan /-

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