

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3383 of 2022

Arising Out of PS. Case No.-12 Year-2021 Thana- SIMRI District- Darbhanga

Mallu Yadav @ Malhu Yadav @ Malhur Yadav Son of Late Kuwar Yadav
Resident of Village - Simri, P.S.- Simri, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-07-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 324, 307, 120B of the Indian Penal Code, Section 27 of the Arms Act and later on Section 302 of the Indian Penal Code was added.

As per prosecution case, in brief, is that on 07.01.2021 at about 00:30 hours the informant along with accused persons including the petitioner were sitting for Panchayat Work. In the meantime, attacked by gun fire and informant received gun injury in his stomach and oozing blood.



The informant was taken to D.M.C.H. The informant stated that one child had seen the entire occurrence.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner but there is no specific allegation of assault or firing attributed against the petitioner. He further submits that during investigation nothing has come against the petitioner and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 08.01.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, 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 Court below where the case is pending in connection with Simri P.S. Case No. 12 of 2021, with 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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