

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24801 of 2022

Arising Out of PS. Case No.-136 Year-2020 Thana- DAUDNAGAR District- Aurangabad

Pintu Kumar @ Pintu Yadav, Son of Rajdeo Yadav Resident of Village -
Karmahi, P.S.- Daudnagar, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 02-11-2022 Heard Mr. Krishna Prasad Singh, learned senior
counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with
Sessions Trial No. 9 of 2022, arising out of Daudnagar P.S.
Case No. 136 of 2020 registered for the offences punishable
under Sections 302, 341, 323, 354 and 34 of the Indian
Penal Code.

As per the prosecution case emerging from the FIR
the petitioner along with his associates assaulted the
husband of the informant with lathi and danda, due to which
he died during the course of treatment.

The learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case. He further submits that there is no connection between the alleged assault by the petitioner and the death of the deceased because there is a long gap between the alleged assault and the death of the deceased. He further submits that the FIR has been lodged after a gap of one month and ten days. He also submits that similarly situated co-accused, namely, Lalu Kumar, Rajgir Yadav, Mantu Yadav and Pintu Yadav have already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 13.06.2022 passed in Cr. Misc No. 35083 of 2021.

The petitioner has been languishing in jail since 11.08.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has earlier moved before this Court for grant of anticipatory bail vide Cr. Misc. No. 35083 of 2021.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer for bail saying that the



alleged offence is serious in nature.

Considering the aforesaid facts and circumstance, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Sessions Judge, Aurangabad in connection with Sessions Trial No. 9 of 2022, arising out of Daudnagar P.S. Case No. 136 of 2020 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.



(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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