

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27547 of 2022

Arising Out of PS. Case No.-65 Year-2022 Thana- DAUDNAGAR District- Aurangabad

RAHUL KUMAR @ LALU S/o Ramayan Singh Resident of Village - Ban
Bigha, P.O.- Shamsbernagar, P.S. - Daudnagar, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Kumar Singh, Adv.

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-08-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Daudnagar P.S. Case no.65 of 2022 instituted under
Sections 147,148,149,341,323,307,504,506 of the IPC and 27 of
the Arms Act.

As per the allegation in the FIR, the informant has
alleged that due to land dispute, the accused person intercepted
his cousin Dinesh Yadav and thereafter further allegation is that
this petitioner opened fire, causing injury in his abdomen. As the
villagers gathered, the accused person fled away. This led to the
institution of the FIR.

Learned counsel for the petitioner submits that prior



to the present case, the informant side has also lodged Daudnagar P.S. Case No.60 of 2022 against the informant's side after the assault of the petitioner's mother. It is further submitted by the learned counsel for the petitioner that relating to the present occurrence also, a counter case was filed vide Daudnagar P.S. Case No.65 of 2022, in which it has been stated that it is accused side which had opened fire and the petitioner anyhow saved himself which instead hit the informant's side. However, he has been implicated in this case. It has lastly been submitted that he is a student and was appearing in the examination and any further incarceration will spoil his future and he may be given a chance to reform himself. It has been categorically submitted by the learned counsel for the petitioner that the injured person has since returned home.

Taking into account the fact that there is case and counter case, the petitioner is young and pursuing his studies as also appearing in examination, is in custody since 12.02.2022 (as stated in para-11 of the bail application), charge sheet stands submitted and ultimately he has to face the Trial, this Court is inclined to grant him privilege of bail. However, if it is found that a false statement has been made regarding the status of the injured, by the learned counsel for the petitioner, the bail order



shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Daudnagar P.S. Case no.65 of 2022 to the satisfaction of learned Judicial Magistrate, Ist Class, Daudnagar, Aurangabad, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his presence;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again failing which the State shall be at liberty
to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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