

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.37420 of 2021**

Arising Out of PS. Case No.-35 Year-2021 Thana- BELDOUR District- Khagaria

Raj Kumar Malakar S/O Kamal Kishor Malakar Resident Of Village-
Sakarohar, P.S.- Beldour, District- Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 18-01-2022 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Umeshanand Pandit, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Beldour P.S. Case No. 35 of 2021 registered for the offences punishable under Sections 147, 148, 149, 448, 323, 326, 307, 379, 506 of the Indian Penal Code and Section 27 of the Arms Act. He is in custody since 24.02.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that on 18.02.2021 at about 1:00 P.M., 8 accused persons along with 5-6 unknown accused persons armed with deadly weapons came at the house of the informant and threatened the informant to withdraw the



case. The informant and his family members hid themselves in a room. Ramkrishna Yadav, Balkrishna Yadav and Dharo Yadav fired with country-made pistol which hit the abdomen of the informant's mother. When informant's uncle came to rescue her, the accused persons fired upon him also as a result of which he sustained injury in his leg. Accused persons assaulted informant's mother with rod due to which her leg got injured. Further, accused persons assaulted family members of the informant with lathi/danda. It is alleged that mother of the informant died in course of treatment. Earlier accused persons had committed murder of informant's nephew and to threaten the informant to withdraw that case, accused persons has committed this occurrence.

Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in the present case. It is submitted that there is no allegation of any overt act against the petitioner. He has remained in custody for about 11 months having no criminal antecedent.

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

Having regard to the materials placed before this Court showing that in the alleged occurrence this petitioner had not committed any overt act, the allegation is that he was also present with the accused persons who were 8 in numbers along with 5-6 unknown persons and further considering that this petitioner has got



no criminal antecedent and has remained in custody for about 11 months, investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of Smt. Pallavi Anand, learned Judicial Magistrate 1st Class, Khagaria in connection with Beldour P.S. Case No. 35 of 2021, subject to the conditions as laid down under Section 437(3) Cr.P.C.

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 antecedent, 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

