

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45093 of 2021

Arising Out of PS. Case No.-143 Year-2020 Thana- MADHEPURA District- Madhepura

Lalit Kumar Son Of Nageshwar Yadav Resident Of Village - Dhagjari, P.S.-
Sonbarsa, Distt.- Saharsa (Bihar)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-02-2022 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 Ms. Anita Kumari Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Madhepura P.S. Case No. 143 of 2020 registered for the offences punishable under Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code and Section 27 of Arms Act. The petitioner has got one criminal antecedent. He is in custody since 05.04.2021.

As per the prosecution story, the informant was forcibly taken in a Maruti Alto car in which this petitioner was also sitting. It is alleged that at the place of occurrence the petitioner and two other co-accused, namely, Manish and Rajesh



fired upon the informant causing injuries to him. On hearing the sound of gun shots, the villagers assembled whereupon the accused persons fled away.

Learned counsel for the petitioner submits that from the impugned order itself it would appear that the brother of this petitioner had lodged Madhepura P.S. Case No. 43 of 2019 against the informant and he was arrested in connection with the said case but later on the informant succeeded in fleeing away from police custody for which Madhepura P.S. Case No. 53 of 2019 under Sections 353 and 229 IPC was registered.

Learned counsel submits that for the aforesaid reason, the petitioner has been falsely implicated in this case, prior to the present case he had no criminal antecedent. It is further pointed out from the impugned order that the injury report of the informant shows only one firearm injury, the two other injuries found on his body are said to have been caused by hard and blunt substance. It is, thus, submitted that the allegation of firing against 3 persons is not getting substantiated prima-facie from the injury report. The investigation is complete and the petitioner has remained in custody for over 10 months, thus, he deserves the privilege of bail.

On the other hand, learned APP for the State has



opposed the prayer for bail of the petitioner. It is submitted that the petitioner is named as one of the co-accused who had fired upon the injured.

Having regard to the submissions and the materials placed before this Court and on noticing that the allegations of firing are against the petitioner and two other co-accused but the injury report shows only one firearm injury, moreover, learned counsel for the petitioner has shown strong reasons as to why the petitioner may be falsely implicated by the informant, investigation against the petitioner is complete and he has remained in custody for over 10 months, his presence may also be secured in course of trial, therefore, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No. 143 of 2020, subject to the condition 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'.

