

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38946 of 2022

Arising Out of PS. Case No.-85 Year-2021 Thana- SILAO District- Nalanda

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Pawan Kumar, S/o Uttam Yadav Resident of Vill- Kamdaarganj, P.S.- Silao,
distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner and the
learned APP for the State through virtual mode.

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 Silao P.S. Case No.85 of 2021 instituted under Sections
341, 323, 325, 354, 307, 147, 148, 149, 379 of the I.P.C. and 27
of the Arms Act.

As per the FIR, the informant gave her statement
before the police on 03.07.2021 stating therein that all the
named accused including the petitioners came to her door
variously armed with weapon and started abusing and while she



objected then accused Ramjan ordered to kill her. Then co-accused Abhimanu Munna fired on her but she escaped and on *hulla* her daughter Priyanka came to save her when co-accused Ram Kumar and Shyam Kumar Yadav caught and Ram Kumar assaulted Priyanka and the petitioner and other accused assaulted her by *lathi*, Danda Rod due to that she sustained injury. As her husband came and tried to intervene accused persons took away her ear ring and golden chain and also took Rs 60,000/. cash from the box. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that there is four days delay in lodging of the FIR which has not been explained. It has further been submitted that this Silao P.S. Case No.85 of 2021 is a counterblast to the earlier criminal case vide Silao P.S. Case No.82 of 2021 filed by the petitioner's side. So far as the allegation is concerned, learned counsel for the petitioner submits that the same is omnibus in nature and as such in view of the fact that he is in custody since 05.02.2022, he deserve bail.

Learned APP on the other hand opposes the prayer for bail of the petitioner.

Considering the aforesaid submissions of the petitioner of inordinate delay of four days in lodging the FIR



and also that there is a Silao P.S. Case No.82 of 2021 lodged by the petitioner's side and the petitioner is in custody since 05.02.2022, there is an omnibus allegation, charge-sheet stands submitted, this Court is inclined to grant him privilege of bail.

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 Silao P.S. Case No.85 of 2021 to the satisfaction of learned Chief Judicial Magistrate, Nalanda, 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 reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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