

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37948 of 2022

Arising Out of PS. Case No.-179 Year-2022 Thana- BARACHATTI District- Gaya

Lakhan Yadav @ Ram Lakhan Yadav S/O Moti Yadav Resident of Village-
Rajoundha, P.S.- Mohanpur, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priya Ranjan, Advocate

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-09-2022 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 Barachatti (Mohanpur) P.S. Case No.179 of 2022 instituted
under Sections 147, 149, 341, 342, 323, 307, 379, 427, 506,
120(B), 353 of the Indian Penal Code.

As per the prosecution story, the informant during
investigation of Barachatti (Mohanpur) P.S. Case No.168 of
2022 and 169 of 2022, he reached Rojaundha, sixteen named
persons including the petitioner and 30-40 unknown persons
stopped their vehicle and after using filthy language, damaged
the vehicle and resorted to pelting of stones causing injury on
his head and one guard was also injured. They also tried to take



police arms, however, the prosecution party escaped and as a result the investigation of the above said two cases was disturbed. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that although he has been named as part of the mob nothing has been attributed to him, he is in custody since 27.04.2022 (as narrated in para-11 of the bail application) and further the injury has been found to be simple in nature. His last submission is that the petitioner do not have any criminal antecedent.

Considering the fact that the injury is simple in nature no role has been attributed to the petitioner, he is in custody since 27.04.2022 and charge-sheet stands submitted as also the fact that he has no criminal antecedent, this Court is inclined to grant him privilege of bail. However, if it is found that he do have criminal antecedent, this 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 Barachatti (Mohanpur) P.S. Case No.179 of 2022 to the satisfaction of learned A.C.J.M., Sherghati, Gaya, 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 bail by the Trial court itself;

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

(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 his 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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