

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14267 of 2023

Arising Out of PS. Case No.-74 Year-2020 Thana- KHODAWANDPUR District- Begusarai

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ARUN KUMAR @ ARUN KUMAR YADAV @ ARUN YADAV @ BARKU
YADAV SON OF CHANDRADAV YADAV R/O KHANJHAPUR, P.S.-
CHERIYA BARIYARPUR, DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prerna Anand

For the Opposite Party/s : Mr.Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 18-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
18.11.2022 in connection with Khodawandpur P.S. Case No. 74
of 2020, F.I.R. dated 11.04.2020 registered for the offence
punishable under Sections 147,148,149,323,324,307,379,504 of
IPC and Section 27 of the Arms Act.

3. Allegation against the petitioner is that he shot-fired
upon the informant's son with intention to kill him due to which
he got injured and other co-accused persons have also beaten the
son of the informant with lathi and iron rod.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the



present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. As per FIR, the petitioner has fired upon the son of the informant but there is no injury report to suggest that the son of the informant was injured in the present occurrence and there is case and counter case between the parties and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 18.11.2022.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he fired upon the son of the informant but fairly submits that there is injury report available in the case diary and apart from the aforesaid, the petitioner carries two more cases other than the present one but fairly submits that the petitioner is on bail in both the cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Manjhaul, Begusarai, in connection with Khodawandpur P.S. Case No. 74



of 2020,with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) 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.

(Rajesh Kumar Verma, J)

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