

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15753 of 2023**

Arising Out of PS. Case No.-437 Year-2022 Thana- GOPALPUR District- Patna

LALINDRA KUMAR @ LALENDRA KUMAR S/o Ram Ishwar Rai @
Rameshwar Rai R/o Ilahibagh, P.S.- Gopalpur, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Raj Shekhar, Advocate
For the Opposite Party/s	:	Mr.Pranav Kumar, APP
For the Informant	:	Mr. Alok Kumar Alok, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner, Informant
and learned APP for the State.

The petitioner apprehends his arrest in connection with Gopalpur P.S. Case No. 437 of 2022 for the offence registered under Sections 147, 148, 149, 341, 323, 307, 380, 354, 504 and 506 of the Indian Penal Code lodged on 02.09.2022 by the informant, Soni Devi.

The prosecution case in nutshell is that informant namely Soni Devi has given her '*Fardebeyan*' that on 31 of August 2022 at about 9:15 PM, one Mithilesh Kumar had quarreled with the husband of the informant and the matter was



pacified by the villagers. Later on, at about 10:00 again Mithilesh Kumar, Lalendra Kumar, Sardar and about 30 to 35 persons came and attacked the house of informant. It is further alleged that the said attack was made with an intention to kill informant and her husband. All the accused persons looted cash amounting to Rs. 1 lakh and jewelery amounting to Rs. 8 lakhs. It is also alleged that the Mithilesh Kumar and Lalindra Kumar also outraged the modesty of informant and other female members of the house by pulling their Saree. It is alleged that Lalindra Kumar had pistol in his hand and had threatened the informant and her family member. Accordingly, the FIR.

It has been contended by the learned counsel for the petitioner that there is case and counter case and even going by the allegation, section 307 of the Indian Penal Code is not made out.

Learned APP for the State, on the other hand, opposes the prayer for bail but submits that prima facie, section 307 of the Indian Penal Code is not made out.

Considering the aforesaid facts as also the averment made in the petition, this Court is inclined to grant him privilege of bail.

Let the petitioner, in the event of arrest or surrender



within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Patna in connection with Gopalpur P.S. Case No. 437 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(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 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 the bail bonds.

(Rajiv Roy, J)

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