

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17309 of 2023**

Arising Out of PS. Case No.-243 Year-2022 Thana- KHIJARSARAI District- Gaya

LALLU KUMAR @ LALU YADAV S/O- CHHOTU YADAV @ CHHOTAN
YADAV VILLAGE -BAKTHAR PS KHIZERSARAI DISTRICT -GAYA
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durgesh Nandan, Advocate

For the Opposite Party/s : Mr. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-05-2023 Heard Mr. Durgesh Nandan, learned counsel for the
petitioner and the learned APP for the State.

The petitioner apprehends his arrest in connection with Khizersarai P.S. Case No. 243 of 2022 instituted under Sections 147, 341, 323, 307, 379, 504, 506 of the Indian Penal Code, lodged on 12.07.2022 by the informant Sanjay Yadav.

As per the prosecution story, the informant was constructing house. In the meantime, accused persons armed variously came and started and iron rod started abusing. When he protested and told them that he is constructing the house as per measurement, the accused persons started assaulting him on head with iron rod due to which he sustained injuries. On raising hue and cry father of the informant and wife reached there to save him they too were assaulted. It has been also alleged that



One Shyam Bihari Yadav snatched golden earring of his wife worth Rs. 9,000/-. Accordingly, the FIR.

It has submitted by the learned counsel for the petitioner that the allegation is two fold inasmuch as:

(i) in the first part, it has been alleged that the named accused assaulted by iron rod causing injury on the head and the body of both the informant and his wife;

(ii) omnibus allegation of assault so far as the other accused including this petitioner is concerned.

It is his further submission that from the second part of the allegation it is clear that the entire family members including the ladies have been roped in.

Learned APP on the other hand opposes the prayer for anticipatory bail stating that allegation of assault is there.

Considering the fact that the petitioner is a young boy of 22 years having no criminal antecedent, omnibus allegation has come against him, this Court is inclined to grant him privilege of anticipatory bail.

Let the petitioner be released on anticipatory bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each



with two sureties of the like amount each in connection with Khizersarai P.S. Case No. 243 of 2022 to the satisfaction of learned ACJM IVth, Gaya, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(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 will make himself available to the police as and when required in course of investigation;

(iii) 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;

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

(v) 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;

(vi) 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)

Prakash Narayan /
Sunil

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