

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24534 of 2023

Arising Out of PS. Case No.-314 Year-2022 Thana- ALOULI District- Khagaria

LALABA @ BIKASH YADAV @ BIKASH KUMAR Son of Upendra Yadav
Resident of village - Sataghatta, P.S.- Alauli, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajit Kumar, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 16-08-2023 Heard the parties.

The petitioner is in custody in connection with Alauli P.S. Case No. 314 of 2022 for the offence under sections 353, 307/34 of the Indian Penal Code and 25(1-B) a, 26, 27 and 35 of Arms Act lodged on 14.07.2022 by the informant, Parendra Kumar.

As per the prosecution story, the Police intercepted three accused persons on a motorcycle who retaliated by opening fire causing injury to one of the police man. The Police also opened fire causing injury to one Sagun Yadav, was arrested and gave the name of this petitioner as also one Angaj Sah.

It is the case of the petitioner that Sagun Yadav was arrested and he has implicated him, have no role to play in the



matter, has clean antecedent and is in custody since 08.09.2022 (as stated in paragraph 8 of the petition) and further, one of the co-accused, Sagun Yadav who named this petitioner has since been granted bail by a co-ordinate Bench vide Cr. Misc. No. 37456 of 2023.

Learned APP opposes the prayer for bail stating that there is allegation of opening fire on the accused persons.

Considering the submissions put forward by the learned counsel for the petitioner as also that one of the co-accused has since been granted bail, as stated above and the period of custody i.e. 08..09.2022, do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, in connection with Alauli P.S. Case No. 314 of 2022 subject to the 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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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