

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27200 of 2023

Arising Out of PS. Case No.-300 Year-2022 Thana- BALIYA District- Begusarai

Kailu Yadav, Male, Aged about 28 Years, Son of Nageshwar Yadav, Resident
of Village-Tulsi Tola, Paharpur, Police Station-Ballia, District-Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shashi Dhar Jha, Advocate
For the Opposite Party : Mr. Jai Narain Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Ballia
P.S. Case No. 300 of 2022 dated 28.10.2022, instituted for the
offence punishable under Sections 324, 307, 353 and 34 of the
Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, on 27.10.2022 at about
05:30 pm, the informant was standing on Tulsi Bandh and one
Dilkhush Kumar was going to his home. On some distance,
police was loading the stolen motorcycle and in the meantime,
some unknown miscreants were made firing on the police which
hit to the informant and Dilkhush Kumar. Thereafter, the
informant lodged F.I.R. against unknown persons.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the petitioner is not named in the F.I.R.. The name of the petitioner transpired in this case on the basis of further statement given by the informant itself and from the statement of another injured Dilkhush Kumar and when both of them have knew the fact of falsely implication of the petitioner then the father of the informant, namely, Manoj Yadav and the father of Dilkhush Kumar, namely, Dayanidhi Yadav respectively have filed petition separately. Nothing has been recovered from the possession of the petitioner. Lastly, it has been submitted that the petitioner is in custody since 29.10.2022, charge-sheet has been submitted in the case and he has one criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in Ballia P.S. Case No. 300 of 2022, subject to the following conditions:-

(1) Petitioner shall co-operate in the trial and



shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(3) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(4) 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.

(Khatim Reza, J)

Gaurav Kumar/-

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