

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42876 of 2023

Arising Out of PS. Case No.-134 Year-2022 Thana- BIHARIGANJ District- Madhepura

=====

Lalan Yadav S/O Akal Yadav R/O Village- Fatehpur, Ward No.01, PS.
Bihariganj, Dist. Madhepura Petitioner/s

Versus

The State Of Bihar Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

For the Informant : Mr. Shivnandan Bharti, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 19-09-2023 Heard learned counsel for the petitioner, learned

counsel appearing on behalf of the informant as well as learned

Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since

06.01.2023 in connection with Bihariganj P.S. Case No. 134 of

2022, F.I.R. dated 28.05.2022 for the offences punishable under

Sections 323, 341, 307, 504, 506, 379/34 of the Indian Penal

Code and Section 27 of the Arms Act.

3. According to prosecution case, 10 named accused

persons including the petitioner have come to the land of the

informant and they were variously armed and have assaulted

several members of the family of the informant including him. It

is further alleged that this petitioner had fired upon the sister-in-

law and father-in-law of the informant due to which they

sustained grievous injuries.

4. Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case due to admitted land dispute between the parties. He further submits that there is dispute with regard to the passage between the parties and as per the allegation in the F.I.R, the petitioner has fired upon the sister-in-law and father-in-law of the informant. He further submits that there is no intention to kill the injured persons although the injury report of the injured persons suggests that the injury is grievous in nature caused by firearm. He further submits that similarly situated co-accused, namely, Sinku Kumar has been granted anticipatory bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 24.05.2023 passed in Cr. Misc. No. 15905 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 06.01.2023.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he has fired upon the family member of the informant due to which they sustained injuries and the injury report of the injured persons suggest that the injury is grievous



in nature caused by firearm. They further submits that in fact, the statement of Ranjan Devi was recorded in paragraph 44 of the case diary in which she has categorically stated that the petitioner has fired upon her and apart from that the petitioner carries two criminal antecedents but fairly submits on the basis of paragraph no. 3 of the supplementary affidavit that the petitioner is on bail in both the cases.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of charge** and on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M, Madhepura in connection with Bihariganj P.S. Case No. 134 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

7. Vide order dated 30.08.2023, the learned Registrar General, Patna High Court, Patna had been directed to hold an enquiry and submit a report.

8. In compliance of the aforesaid, the learned Registrar General, Patna High Court, Patna had submitted a report.

9. In view of the report of the learned Registrar General as well as the show caused by the learned counsel, there is no need to act upon the enquiry report of the learned Registrar General and no order need to be passed with respect to the enquiry report.

(Rajesh Kumar Verma, J)

Vanisha/-

U		T	
---	--	---	--

