

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40187 of 2023

Arising Out of PS. Case No.-43 Year-2022 Thana- ISLAMPUR District- Nalanda

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JILA YADAV @ JILAJIT YADAV Son of Rammurti Singh R/o Village -
Tahwal Bigha, P.S.- Islampur, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Narsingh Tanti, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-07-2023 Heard the parties.

The petitioner is in custody in connection with Islampur P.S. Case No. 43 of 2022 for the offence under Sections 147, 148, 149, 341, 326, 307, 504 and 506 of the Indian Penal Code and Section 27 of Arms Act lodged on 28.01.2022 by the informant, Shashank Kumar.

The prosecution case, in brief, is that on 26-01-2022, the informant gave information to the police that the accused persons on his mobile abuses and also threatened to kill him. Police went to a tea stall where police saw indiscriminate firing has been made by the petitioner along with other accused persons due to which the informant sustained fire arm injury. Accordingly, the FIR

It has been contended by the learned counsel for the



petitioner that omnibus allegation of indiscriminate firing has been made against the accused persons including the petitioner herein for which he has suffered by being in custody since 03.10.2022 (as stated in paragraph 12 of the petition).

Learned APP opposes the prayer stating that he has criminal antecedent and the allegation is of indiscriminate firing.

Considering the aforesaid submissions put forward by the learned counsel for the petitioner as also that the allegation is omnibus in nature, this Court is inclined to extend him the privilege of bail after the framing of the charges with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M, Hilsa, Nalanda, in connection with Islampur P.S. Case No. 43 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 application is allowed.

(Rajiv Roy, J)

Jagdish/Kiran/-

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