

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47951 of 2023

Arising Out of PS. Case No.-115 Year-2023 Thana- BARUN District- Aurangabad

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LUTAN YADAV SON OF YOGENDRA YADAV RESIDENT OF
VILLAGE- BASDIHA, PS- NARARI, KALA KHURA, DISTT-
AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Y. C. Verma, Sr. Adv.

Mr. Adarsh Singh, Adv.

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 01-09-2023 Heard Mr. Y.C. Verma, learned senior counsel for the

petitioner and learned A.P.P. for the State and also learned

counsel for the informant.

The petitioner seeks bail in connection with Barun P.S.

Case No. 115 of 2023 registered for the offence under Sections

147, 148, 149, 341, 323, 324, and 302 of the Indian Penal Code.

As per prosecution case, eleven persons along with the

petitioner are alleged to have assaulted the deceased with

various weapons.

Learned counsel appearing for the petitioner submits

that the petitioner is innocent and has falsely been implicated in

this case. He further submits that on bare perusal of the F.I.R., it

appears that the petitioner along with eleven persons are said to

have been assaulted the deceased with various weapons.



According to the F.I.R., the petitioner has assaulted the deceased on his body along with other accused persons but the postmortem report suggest that no injury has been found on the body of the deceased rather only one injury is found on his head. Moreover, co-accused, Dinesh Kumar and Santan Kumar @ Sonu have already been granted bail by a co-ordinate Bench of this Court vide order dated 28.07.2023 passed in Cr. Misc. No. 46104 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 20.03.2023.

Learned counsel for the informant as well as learned A.P.P. for the State opposed the prayer for bail of the petitioner and submits that there is direct allegation against the petitioner that he has assaulted the deceased and trial has begun and one prosecution witness has been examined.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Barun P.S. Case No. 115 of 2023 with 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 shall remain physically present as directed by the Court and



on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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.

(Rajesh Kumar Verma, J)

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