

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51768 of 2023**

Arising Out of PS. Case No.-169 Year-2020 Thana- LAXMIPUR District- Jamui

BALESHWAR YADAV SON OF LATE LEKHO YADAV R/O-MANGRAR
TOLA CHOUDIHA, P.S.-LAXMIPUR, DISTT.-JAMUI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

For the Informant : Ms. Nikita, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-08-2023

Heard Mr. Bhaskar Shankar, learned Counsel

for the petitioner, Ms. Nikita, learned Counsel for the
informant and learned APP for the State.

The petitioner is an accused in connection with
Laxmipur P.S. Case No. 169 of 2020 registered for the
offences under sections 307, 447, 147, 148, 149, 323, 324,
504, 506, 188, 269 and 270 of the Indian Penal Code and
section 27 of the Arms Act lodged on 03.05.2020 by the
informant, Mithilesh Yadav.

As per the prosecution story, the allegation against
the accused persons is/are that while the informant and his
family members were sleeping in their home, the accused
persons barged into their house and assaulted the family



members. Accordingly, the FIR.

Learned Counsel for the petitioner submits that so far as this petitioner is concerned, allegation is of opening fire which hit his arm and for the same, he has already suffered by being in custody since 15.10.2022 (as stated in paragraph 10 of the bail application). The last submission is that Tapeswar Yadav, one of the co-accused has since been granted bail vide Cr. Misc. No. 26732 of 2022 on 31.08.2022 (Annexure 2 to the petition).

Ms. Nikita, learned Counsel appearing for the informant submits that the allegation of firing is on this petitioner and further he has criminal antecedent.

Considering the fact that he has remained in custody since 15.10.2022, as stated above, one of the co-accused has since been granted bail, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned C.J.M., Jamui in connection with Laxmipur P.S. Case No. 169 of 2020, 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 *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 month for next one year to mark 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 his 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 the bail bonds.

With the aforesaid observations, the bail application is allowed.

Before parting, this Court would like to put on record its word of appreciation for Ms. Nikita, learned



counsel for the informant for the proper assistance rendered
in the matter.

(Rajiv Roy, J)

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