

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52180 of 2023**

Arising Out of PS. Case No.-84 Year-2023 Thana- LAUKAHA District- Madhubani

Ramballabh Lij Puriya @ Ramballabh Yadav Son Of Late Bhatan Yadav
Resident Of Village- Sahorba, P.S.- Laukaha, District -MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 17-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 02.04.2023 in connection with Laukaha P.S. Case No.84 of 2023, F.I.R. dated 01.04.2023 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 307, 302, 120B, 504 of IPC and Section 27 of Arms Act.

3. Specific allegation against co-accused, namely, Prabhash Kumar is that he fired at Naval Kumar with a Katta due to which he sustained injury and after this, co-accused persons, namely, Priyesh Kumar and Durgesh Kumar fired at Naval Kumar, due to which the bullet hit Naval Kumar's throat, he was taken to the Hospital, where he declared dead.



4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that from bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioner rather there is specific allegation against co-accused persons, namely, Prabhash Kumar, Priyesh Kumar and Durgesh Kumar who fired upon the deceased and there is no allegation of any assault, overt-act or firing attributed against the petitioner and due to admitted land dispute, the present occurrence had taken place and there is case and counter case and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 02.04.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, let the petitioner, above named, 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 S.D.J.M.,



Jhanjharpur, Madhubani in connection with Laukaha P.S.
Case No.84 of 2023, with 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/her absence on two consecutive dates without sufficient reason, his/her 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.

(Rajesh Kumar Verma, J)

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