

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58350 of 2023

Arising Out of PS. Case No.-147 Year-2023 Thana- ALOULI District- Khagaria

Amod Kumar @ Kumod Yadav S/O- Late Badan Yadav R/O- Village-
Rampur Alauli, P.S.- Alauli, Dist.- Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Kumar Singh

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-09-2023 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
13.04.2023 in connection with Alauli P.S. Case No.147 of 2023,
F.I.R. dated 12.04.2023 registered for the offence punishable
under Sections 147,148,149,341,342,307 of IPC and Section
25(1-b)a/26(i),27,35 of Arms Act.

3. On the direction of co-accused persons, namely,
Chakradhar Yadav and Brahmdeo Yadav, the petitioner and
other co-accused persons have fired upon the informant as a
result of which informant fell down.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has
falsely been implicated in the present case. Further submits that
the allegation as alleged in the FIR is false and fabricated and



the petitioner has not committed any offence as alleged in the FIR and as per allegation in the FIR, on the direction of co-accused persons, namely, Chakradhar Yadav and Brahmdeo Yadav, the petitioner and other co-accused persons have fired upon the informant. Learned counsel for the petitioner submits that there is no injury report on the record to suggest that the informant has received any injury and the petitioner alongwith co-accused persons, namely, Anil and Rohit have been apprehended on the spot and no incriminating article has been recovered from possession of the petitioner and one Katta and cartridge have been recovered from possession of co-accused person, namely, Rohit Kumar and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 13.04.2023.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, petitioner has clean antecedent, no injury has been found on the person of the informant and no incriminating article has been recovered from possession of the petitioner, 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 Chief Judicial Magistrate, Khagaria in connection with Alauli P.S. Case No.147 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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