

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1321 of 2023**

Arising Out of PS. Case No.-91 Year-2020 Thana- LAKHNAUR District- Madhubani

=====

KAMESHWAR YADAV @ KAMESHWAR KUMAR Son of Prabhu Yadav
@ Prabhu Narayan Yadav R/v- Gunakarpur, P.S.- Lakhnaur/Lakhnour,
District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Narendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

=====

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

3 03-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
07.09.2022 in connection with Lakhnaur P.S. Case No.91/2020,
F.I.R. dated 28.04.2020, for the offences punishable under
Sections 147, 148, 149, 341, 323, 324, 307, 504, 379, 336,
354(A) of the IPC & Section 27 of the Arms Act.

According to prosecution case, the petitioner is alleged
to have fired on the abdomen of the nephew of the informant
namely, Arvind Yadav, due to which, he sustained grievous
injury.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been



implicated in the present case due to admitted land dispute between the parties. He further submits that there is case and counter case between the parties and the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that the allegation against the petitioner is that he fired upon Arvind Yadav, which has not been corroborated by the injury report. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 07.09.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, after framing of charge, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1st, Jhajharpur in connection with Lakhnaur P.S. Case No.91/2020, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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)

amit/-

U		T	
---	--	---	--

