

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24739 of 2024

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

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Kaurab Yadav Son of Sammar Yadav, Resident of Village - Alaluli, P.S. -
Alauli, District - Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance:

For the Petitioner : Mr. Amar Kumar Singh, Advocate
For the Opposite Party : Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-04-2024 Heard Mr. Amar Kumar Singh, the learned counsel

for the petitioner and Mr. Ganesh Prasad Singh, the learned

Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since

03.10.2023 in connection with Alauli P.S. Case No. 147 of 2023,

FIR dated 12.04.2023, registered for the offences punishable

under Sections 147, 148, 149, 341, 342 and 307 of the Indian

Penal Code and under Section 25(1-b)a, 26(i), 27 and 35 of the

Arms Act.

3. According to the prosecution case, while the

informant along with other persons was returning home, fifteen

FIR named accused persons including the petitioner as well as

five unknown persons surrounded them and upon the order

given by accused persons namely, Chakradhar Yadav and



Brahmdeo Yadav, the other co-accused persons opened fire on the informant, who saved himself by hiding behind a *nad*. It is further alleged that local villagers caught accused Amod, Anil and one unknown boy and handed them to police and from the possession of unknown boy, who disclosed his name as Rohit Kumar, one katta, bullet and mobile phone was recovered.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that as per 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. He further submits that there is no injury upon the informant and apart from that one similarly situated co-accused person namely, Amod Kumar @ Kumod Yadav has been granted regular bail by this Court vide order dated 14.09.2023 passed in Cr. Misc. No. 58350 of 2023 and other similarly situated co-accused persons namely, Anil Kumar and Rambinay Yadav have also been granted regular bail by different Benches of this Court vide orders dated 10.10.2023 and 01.02.2024 passed in Cr. Misc. No. 63488 of 2023 and Cr.



Misc. No. 3844 of 2024 respectively. He lastly submits that the police after investigation has submitted chargesheet and the petitioner is in judicial custody since 03.10.2023.

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

6. Considering the aforesaid facts and circumstances and the fact that petitioner has clean antecedent, there is no allegation of any assault or overt act against him and other similarly situated co-accused persons have been granted regular bail, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria, in connection with **Alauli P.S. Case No. 147 of 2023**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.



(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 trial Court 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 trial Court 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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