

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30759 of 2024

Arising Out of PS. Case No.-344 Year-2023 Thana- RANIYATALAB District- Patna

Prakash Kumar @ Larha S/O Girja Yadav @ Kallu Yadav R/O Village
Andhari Mathiya , Police Station Rani Talab , District Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunit Kumar Srivastava, Adv.
For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 23-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Rani Talab P.S. Case No. 344 of 2023 instituted for the offences under Sections 341, 323, 307, 195(A), 504, 506, 34 of the Indian Penal Code and Section 25(1-B)a, 26, 27, 35 of the Arms Act.

3. As per prosecution case, the allegation against the petitioner is of firing upon the Informant and his family members from the pistol. It is alleged that after firing, the petitioner and other co-accused persons fled away from the place of occurrence, threatening the Informant that if the case would not withdrawn, he would be killed.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. There is a case and counter case between the parties. The petitioner and Informant are co-villagers and Gotiya Pattidar and there is previous disputes in between family of both the parties. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged occurrence or the seized article. The petitioner has three criminal antecedents and is languishing in judicial custody since 12.10.2023 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner as also there being case and counter case and no one has been injured in the alleged occurrence, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Rani Talab P.S. Case No. 344 of 2023, subject



to the following conditions;

(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(iii) 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.

(Rudra Prakash Mishra, J)

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