

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34455 of 2024

Arising Out of PS. Case No.-16 Year-2023 Thana- KORMA District- Sheikhpura

Sanjay Yadav Son of Lalo Yadav @ Laloo Yadav Resident of Village -
Puraina, P.S.- Korma, District - Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Rizwanul Haque, Advocate
For the Opposite Party/s :	Mr. Kalyan Shankar, APP
For the Informant :	Mr. Madhav Krishna, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-08-2024 Heard Mr. Rizwanul Haque, learned counsel for the petitioner, Mr. Madhav Krishna, learned counsel appearing on behalf of the informant as well as Mr. Kalyan Shankar, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Korma P.S. Case No. 16 of 2023, F.I.R. dated 28.01.2023 for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 324, 325, 354, 379, 427, 307, 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, all the accused persons including this petitioner armed with deadly weapon have brutally assaulted the informant and his family members. It



is further alleged that during treatment the father of the informant died.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R that there is no specific allegation of assault or overt act attributed against the petitioner. He further submits that the police have submitted final form in favour of the petitioner but the learned Court below in a mechanical manner has taken cognizance against the petitioner and other accused persons vide order dated 11.01.2024.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that it appears that the petitioner is named in the F.I.R and apart from that he has actively participated in the present crime in question.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, there is no specific allegation against this petitioner and the police have submitted final form in favour of the petitioner but the learned Court below has taken cognizance against the petitioner, let the



petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Judicial Magistrate 1st Class, Sheikhpura in connection with Korma P.S. Case No. 16 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 absence on two consecutive dates without sufficient reason, his 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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