

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47561 of 2024

Arising Out of PS. Case No.-108 Year-2023 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

Radhey @ Lambodar Yadav @ Lalan Kumar S/o Phutani Yadav R/o Mohalla
- Fatehganj, P.S. - Kotwali, Distt. - Gaya. At Present -r/o- Village -Hario, P.S-
Magadh Medical, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Kant, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-07-2024 Heard Mr.Shashi Kant, learned counsel for the

petitioner and Mr.Nityanand, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Magadh Medical P.S.Case No.108 of 2023, FIR dated 08.03.2023 registered for the offences punishable under Sections 147,148,149,341,323,307,337,379 and 506 of IPC and Section 27 of Arms Act.

3. The case of the prosecution has initiated on the basis of written report of informant Kajal Singh, is that on 08.03.2023 at about 06:30 PM her entire family was celebrating Holi at Shiv Mandir, in the mean time the accused petitioners and co-accused persons named in the F.I.R. armed with weapon



committed criminal trespass in the house of the informant and started looting house hold items, the informant made a protest then co-accused Raushan Kama and Abhishek Kamar assaulted with iron rod causing head injury to the informant, the mother-in-law of the informant came to protect the informant then the accused persons started brick-batting, co-accused Vijay Kumar Singh snatched gold chain from the neck of the informant whereas co-accused person snatched Mangal Sutra of the informant, in the mean time the family embers of be informant rushed to the place of occurrence to which co-accused Prince Kumar, Kuldeep Yadav and Pradeep Yadav and co-accused Neeraj Kumar and Suraj Kumar made firing from country made pistol and on arrival of police the police has seized four cartridges from the place of occurrence.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault, overt-act or firing attributed against the petitioner rather the same is attributed against other co-accused persons and at best the petitioner may be a member of the mob and co-accused person, namely, Vijay Kumar Singh has been granted bail by a



Coordinate Bench of this Hon'ble Court vide order dated 24.08.2023 passed in Cr.Misc. No.44367 of 2023 and co-accused persons, namely, Dilip Yadav @ Dilip Kumar, Praveen Kuamr and Dharmendra Kumar @ Baudha Yadav have been granted privilege of anticipatory bail by this Court vide order dated 24.01.2024 passed in Cr. Misc. No.83294 of 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries six more cases other than the present one but fairly submits that out of six case, the petitioner is on bail in five cases and rest one case is pending for consideration, as mentioned in para-3 of the anticipatory bail petition.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his 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 learned A.C.J.M.-II, Gaya in connection with Magadh Medical P.S.Case No.108 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/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/her 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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