

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53648 of 2024

Arising Out of PS. Case No.-236 Year-2024 Thana- BIHAR District- Nalanda

Lalan Yadav Son Of Late Doman Yadav Resident Of Meerganj, P.S. - Bihar,
District - Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Usha Kumari Singh, Advocate
For the Opposite Party/s : Ms.Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-08-2024 Heard Mr.Usha Kumari Singh, learned counsel for the

petitioner and Ms.Dr. Indihar Kumari, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
26.05.2024 in connection with Bihar P.S. Case No. 236 of
2024, F.I.R. dated 27.03.2024 registered for the offence
punishable under Sections 307, 147, 148, 149, 341, 342,323,
324, 504 and 506 of the Indian Penal Code and section 27 of the
Arms Act.

3. As per the prosecution case, the informant states
that while he was coming on his motorcycle and slowed the
speed of the motorcycle near the place of occurrence, the
accused persons variously armed started to assault him with
stone, bricks etc. as a result of which he fell down. It is further



stated that with the intention to kill, accused Golu Kumar fired at him which missed the informant however, hit a cow. Hearing the hulla, other persons rushed towards the place of occurrence on which the informant was saved.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that the FIR is in two parts, in 1st part, there is general and omnibus allegation against all the accused persons including the petitioner and in the 2nd part, there is specific allegation of firing attributed against co-accused person, namely, Golu Kumar and his friends and the petitioner is in custody since 26.05.2024.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, petitioner has clean antecedent and there is no specific allegation of any assault, overt-act or firing attributed against the petitioner, let the petitioner, above named, 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 Chief Judicial Magistrate, Nalanda, Bihar Sharif in connection with Bihar P.S.



Case No. 236 of 2024,with the 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 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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