

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53874 of 2024**

Arising Out of PS. Case No.-35 Year-2021 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

=====

Lalu Paswan @ Abhishek Kumar @ Abhimanyu Kumar, Son Of Late Anil
Kumar Village- Magadh Colony, Ps- Chandauti, Dist- Gaya

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Ms.Puja

For the Opposite Party/s : Mr.Md. Shakir Ahmad

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-08-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 341, 447, 323, 307, 324, 504, 337, 506 and 34 of the
Indian Penal Code and Section 27 of the Arms Act.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of five cases and the informant
alleges that on 19.01.2021, Udiya and Aditya came to his house
along with unknown accused persons and Udiya assaulted him
by sword causing fracture of hand and injury was also caused on
stomach while Aditya fired. Further, when his family members
came to save him, the petitioner started pelting stones from
behind causing injury on his back.

4. The learned counsel for the petitioner submits that



petitioner has been falsely implicated for the reason that he has antecedent. It is next submitted that specific allegation of assaulting the informant is against Uditya by sword, but then, Uditya has been granted the privilege of anticipatory bail by an order dated 03.03.2022 in A.B.P. No.3677 of 2021 passed by the learned Sessions Judge, Gaya. It is further submitted that Aditya also has been granted the privilege of anticipatory bail by an order dated 03.08.2022 in A.B.P. No.1153 of 2022 passed by the learned 11th Additional Sessions Judge, Gaya, but then, submits that the anticipatory bail application of the petitioner has been rejected on the ground that he has criminal antecedent and he had also concealed one antecedent. It is submitted that it appears that inadvertently, one criminal antecedent could not be stated before the learned District Court. It is also submitted that had the petitioner any intention of concealing his criminal antecedent, then he would not have disclosed his 04 criminal antecedent in A.B.P. No.2945 of 2022. It is also submitted that at the cost of repetition that petitioner has been falsely implicated and petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. opposes the anticipatory bail application.



6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IV, Gaya in connection with Magadh Medical P. S. Case No.35 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C. with a condition that one of the bailors of the petitioner shall be his paternal cousin nephew Abhishek Kumar @ Abhisheak Kumar.

7. The application stands allowed.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

