

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54648 of 2024

Arising Out of PS. Case No.-209 Year-2023 Thana- HALSI District- Lakhisarai

Dilip Kumar @ Prakash Kumar S/o Banarasi Yadav R/O VILL -
SIKANDRA, P.S. - SIKANDRA, DISTRICT - JAMUI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 02-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Halsi
P.S. case No. 209 of 2023 instituted for the offences under
Sections 341, 302, 120B/34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. Prosecution case, in short, is that all the FIR named
accused persons including this petitioner, variously armed,
assaulted the father of the informant. It is further alleged that co-
accused Bittu Yadav and Santosh Kumar assaulted with
weapons and fired on the father of the informant due to which
he sustained injuries and died.

4. Learned counsel for the petitioner submitted that the



petitioner has falsely been implicated in the present case. Learned counsel further submitted that there is general and omnibus allegation against this petitioner. There is no any specific allegation leveled against this petitioner. The specific accusation of firing on the deceased is attributed to co-accused persons Bittu Yadav and Santosh Kumar. The co-accused person has already been granted bail by this Bench vide order dated 21.06.2024 passed in Cr. Misc. No. 39983 of 2024. It has been submitted on behalf of the petitioner that the petitioner is in custody since 15.09.2023 and has one criminal antecedent in which he is on bail.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, no direct allegation, as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Halsi P.S. case No. 209 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)

Alok Verma/-

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