

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69271 of 2024

Arising Out of PS. Case No.-108 Year-2024 Thana- RAFIGANJ District- Aurangabad

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Dara Yadav @ Rakesh Yadav @ Rakesh Kr. Yadav, aged about 25 years,
Gender, Male, S/o Ramesh Yadav, R/o Village- Masaundha, P.S.- Kasma,
District- Aurangbad. Presently residing near Railway Gumti (Rafiganj), P.S.-
Rafiganj, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate

For the Opposite Party/s : Ms.Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 13-12-2024 Heard Mr. Bhaskar Shankar, learned counsel

appearing on behalf of the petitioner and Ms. Rita Verma,

learned APP for the State.

2.. Petitioner seeks regular bail in connection with

Rafiganj P.S. Case No.108 of 2024, registered for the offences

punishable under Sections 341, 323, 504, 506, 307 and 354/34

of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the allegations made in the FIR, the

petitioner along with other co-accused assaulted the informant

and her son and daughter-in-law with an intention to kill them.

The FIR is against ten accused persons. Specific allegation

against the petitioner is of opening the fire.

4. Learned counsel appearing on behalf of the



petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. Learned counsel further submitted that the informant herself has alleged that her son tried to quell the disturbance and in the same course, all the accused persons assaulted him and his wife, who sustained head injuries, but the injuries are simple in nature and there is no repetition of the assault. He further submitted that no specific allegation of assault has been attributed to the petitioner. The only allegation against the petitioner is that he was also among them who fired. Petitioner is in custody since 18.05.2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having considered the rival submissions made on behalf of the parties, as well as, the allegation made against the petitioner and the injuries being simple in nature, the learned District Court is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IVth, Aurangabad/concerned court in connection with Rafiganj P.S. Case No.108 of 2024 subject to the following conditions:

(i) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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