

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74047 of 2023

Arising Out of PS. Case No.-136 Year-2023 Thana- ALOULI District- Khagaria

Umesh Yadav Son Of Raghunandan Yadav @ Kalpu R/O Village- Raun, P.S.-
Alauli, Dist.- Khagaria

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Navin Kumar, Advocate
For the Opposite Party/s	:	Mr. Prem Kumar Jha, APP
For the Informant	:	Mr. Bhanu Pratap, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-02-2024 Heard Mr. Navin Kumar, learned counsel for the petitioner, Mr. Satish Chandra, learned counsel appearing on behalf of the informant as well as and Mr. Bhanu Pratap Singh, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Alauli P.S. Case No. 136 of 2023, F.I.R. dated 02.04.2023 for the offences punishable under Sections 147, 148, 341, 323, 354, 307, 337, 338, 325 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, all the accused persons including the petitioner armed with lathi, iron rod, bricks etc, have brutally assaulted the informant and the co-accused, Raja made firing on son of the informant.

4. Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R that there is specific allegation against the petitioner that he has assaulted the informant but the injury report of the informant suggests that the injury is simple in nature caused by hard and blunt substance.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he has assaulted the informant and apart from that the petitioner carries 2 criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that in both the cases the petitioner has been acquitted by the learned Trial Court.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of 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 the learned Chief Judicial Magistrate, Khagaria in connection with Alauli



P.S. Case No. 136 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 absence on two consecutive dates without sufficient reason, his 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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