

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80166 of 2024

Arising Out of PS. Case No.-80 Year-2024 Thana- SURYAGARHA District- Lakhisarai

Bino Yadav S/o Dasharath Yadav R/V - Nawabganj, P.S - Suryagarha, Dist. -
Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-11-2024 Heard learned counsel for the petitioner, State and
the informant.

2. The petitioner is in custody in connection with
Suryagarha P.S. Case No. 80 of 2024 for the offence punishable
under sections 341, 323, 504, 506, 307, 379, 385 and 34 of the
Indian Penal Code and 27 of Arms Act lodged on 28.02.2024 by
the informant, Pankaj Kumar.

3. As per the prosecution story, the informant alleged
that while he was sitting in his office of brick kiln, the accused
persons came armed variously, this petitioner opened fire on the
bricks, whereafter, the allegation is that upon his alarm, Shailesh
Yadav, Bumma @ Amlesh and Poloy Yadav gave iron rod blow
on the informant causing injuries, further allegation against
Shailesh Yadav and Bumma Yadav is/are of removing Rs.
2,000/-. As the villagers came after threatening to pay extortion,
they escaped. This led to the FIR.



4. Learned counsel for the petitioner submits that only because of his criminal antecedent, he has been implicated with allegation that he opened fire on the bricks, no allegation of assault on the informant is attributed to him rather it is specific against Shailesh Yadav, Bumma @ Amlesh as also Poloy Yadav, the petitioner is in custody since 18.03.2024 (para 10 of the petition).

5. Learned counsel for the informant, on the other hand alleges that he opened fire which hit the bricks and the used cartridges have been found at that place.

6. Considering the submissions put forward by the parties as also the fact that allegation specific is against Shailesh Yadav, Bumma @ Amlesh as also Poloy Yadav, there is nothing attributed to him regarding the assault of the informant, considering his period of jail (18.03.2024), this Court is inclined to extend him the privilege of bail with strict conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M. Lakhisarai in connection with Suryagarha P.S. Case No. 80 of 2024 subject to the following conditions:



(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for two years to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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