

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22292 of 2025

Arising Out of PS. Case No.-95 Year-2024 Thana- PURAINI District- Madhepura

Lav Kumar, Son of Bhageshwar Yadav Resident of village - Balatol, P.S.- Pu-
raini, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s: Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 12-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

2. The petitioner seeks bail in connection with Puraini
P.S. Case No. 95 of 2024 instituted for the offences under Sec-
tion 302/34 of the Indian Penal Code and Section 27 of the
Arms Act. He has clean antecedent.

3. The prosecution case is to the effect that the infor-
mant received information from the husband that seven named
accused persons, all variously armed had approached the house
of the informant and one Prince Kumar @ Malick Kumar was
stated to have been fired which missed, however, subsequent
thereto one Dhananjay Yadav shot on the abdomen of the hus-
band of the informant. The husband of the informant was then
taken to the hospital and he was referred to Bhagalpur but he



died on the way.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and even from the contents of the FIR it is evident that the informant was shot upon by Dhananjay Yadav while there is a general and omnibus allegation upon others to have assaulted with iron rod upon the body of the deceased. Learned counsel for the petitioner further submits that during course of investigation it has come in para 20 of the case diary that the injured prior to his death has given a statement to the Sub-inspector of Police, Rakesh Kumar and had stated three names being Dhananjay Yadav, Prince Kumar @ Malick Kumar and Bhageshwar Yadav and not named the petitioner. It has lastly been submitted by learned counsel for the petitioner that the petitioner is in custody since 24.10.2024 and has clean antecedent.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and has submitted that the petitioner is named in the FIR and it has been alleged that he had assaulted the husband of the informant.

6. Considering the aforesaid submission of learned counsel for respective parties and taking into account the fact that the allegation upon the petitioner is of assaulting the de-



ceased with the iron rod, however, from the perusal of the post-mortem it is evident that the petitioner had died due to firearm injury inflicted by other co-accused persons and also considering the fact that the petitioner is having clean antecedent and is in custody since 24.10.2024, the petitioner above named, is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Udakishunganj, Madhepura in connection with Puraini P.S. Case No. 95 of 2024, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) 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 the same or in the name of verification.

(Sourendra Pandey, J)

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