

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35212 of 2019

Arising Out of PS. Case No.-407 Year-2017 Thana- ALOULI District- Khagaria

LAKSHMAN YADAV Son of Suresh Yadav Resident of Village - Raun, P.S.-
Alauli, Distt - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 02-08-2019 Heard learned counsel for the petitioner and the
State.

The petitioner seeks bail in **Sessions Trial No. 131 of 2018 arising out of Alauli P.S. Case No. 407 of 2017**, instituted for the offence under Section(s) 398, 414 of the Indian Penal Code, Sections 25(1-B)A, 26, 35 and 27 of the Arms Act.

Prayer for bail of the petitioner was earlier rejected by coordinate Bench of this Court vide order dated 19.4.2018 passed in Cr. Misc. 23402 of 2018 with liberty to the petitioner to renew his prayer for bail after if the trial is not concluded within one year.

Report along with the order sheets was called for from the court below which has been received. From the order



sheets it appears that charge has been framed on 17.5.2018 and not a single witness has been examined till date.

It is alleged in the written report that on the date of occurrence some criminals committed theft of Pumping Set of the informant in the mid-night. The informant got awake and raised alarm. Three persons were caught hold by the villagers. Out of them, two miscreants were brutally assaulted by the mob and they died on the spot. Third miscreant disclosed his name as Lakshman Yadav (petitioner). On search, one firearm has been recovered from his possession.

Counsel for the petitioner submits that there is no recovery of any looted article from possession of the petitioner. He is in custody since 13.12.1017.

Keeping in view the period spent by the petitioner in custody and the fact that not a single witness has been examined till date, prayer of the petitioner for grant of bail is allowed. Let the petitioner above named, 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 **learned Chief Judicial Magistrate, Khagaria,** in connection with **Sessions Trial No. 131 of 2018 arising out of Alauli P.S. Case No. 407 of 2017,** subject to the condition that both the bailors will be the close



relatives of the petitioner with further conditions which are as follows:

(i) Petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court (ii) In absence on two consecutive dates without any valid reason, the bail bonds of the petitioner will liable to be cancelled and (iii) if petitioner tampers with the evidence or the witnesses of the case, in that event, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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