

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19427 of 2021**

Arising Out of PS. Case No.-277 Year-2019 Thana- BIHARIGANJ District- Madhepura

LALO YADAV @ LALAN YADAV S/O LATE KAMLESHWARI YADAV
R/o village- Pakilpar, P.S.- Bihariganj, District- Madhepura

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Vikram Deo Singh, Advocate
	:	Mr. Alok Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 16-08-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Bihariganj P.S. Case No. 277 of 2019 registered for the offences punishable under Sections 302, 120B of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the alleged occurrence in which the husband of the informant has been killed took place on 12.08.2019 at 6.00 am. The inquest report was prepared on the same day but the written information

giving rise to the present F.I.R. was lodged after more than twenty four hours on 13.08.2019 at 10.30 am.

Learned counsel further submits that according to the informant she had gone on a walk towards the roadside where she had seen that altogether eleven named accused surrounded her husband and opened indiscriminate firing upon him. The allegation against the petitioner is that he had pulled down the husband of the informant and has been named as one of the assailants among eleven named accused in the F.I.R. The allegations are general and omnibus and the post-mortem report shows four wounds of entry and four wounds of exit, therefore learned counsel submits that it is a case of false and over implication of the accused.

Learned counsel further submits that the co-accused Ajay Bhagat who was the driver of the vehicle in which the husband of the informant was going was also made accused. He has been granted bail in Cr. Misc. No. 81781 of 2019.

This petitioner is said to have three criminal antecedents but he is on bail in all those cases. He is in custody in connection with this case since 24.08.2020.

Learned A.P.P. for the State has though opposed the prayer for bail of the petitioner but considering the facts and

circumstances of the case, the allegation of firing has been made against eleven named accused, however, the post-mortem report suggests four firearm injuries of entry and four injuries of exit, the F.I.R. itself has been lodged after more than twenty four hours, there has been general and omnibus allegations against the petitioner, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-I, Udakisunganj, Madhepura in connection with Bihariganj P.S. Case No. 277 of 2019 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading ‘Judicial Orders Passed During The Pandemic Period’.