

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2827 of 2022

Arising Out of PS. Case No.-202 Year-2017 Thana- EKANGARSARAI District- Nalanda

Lal Mohan Prasad, Son Of Late Ramanand Prasad @ Late Ramanand Yadav
Resident Of Village- Barachhi Bigaha, Police Station- Okari, District-
Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Bharat Lal

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 14-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Sessions Trial No. 712 of 2021 arising out of Ekangarsarai

P.S. Case No. 202 of 2017, registered for the offences

punishable under Sections 147, 148, 149, 302 and 120(B)

of the Indian Penal code.

As per allegation, the informant alleged that on the

shout of his father, he came out from his house and saw six

persons having armed with different weapons, including the

petitioner, fleeing away from the place of occurrence.

Allegation of death of the father of the informant is also



there.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on account of land dispute. He further submits that similarly situated co-accused, namely, Sachin Kumar, Naresh Prasad, Mithlesh Prasad and Sanjay Kumar have been enlarged on bail by different Benches of this Court vide order dated 19.09.2018 and 12.12.2018, passed in Cr. Misc No. 46804 of 2018 and Cr. Misc No. 73655 of 2018 respectively.

The petitioner has been languishing in jail since 24.07.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has moved before this Court for grant of anticipatory bail vide Cr. Misc. No. 51301 of 2018.

It has further been stated in paragraph no. 3 that the petitioner has earlier been made accused in two more cases, namely, Ghoshi P.S. Case No. 95 of 2003 and Ghoshi P.S. Case No. 6 of 2011.

However, the learned APP for the State



vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. 1st Additional Sessions Judge, Hilsa, Nalanda in connection with Sessions Trial No. 712 of 2021 arising out of Ekangarsarai P.S. Case No. 202 of 2017 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.



(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

uttam/ashish/-

U		T	
---	--	---	--

