

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11496 of 2022

Arising Out of PS. Case No.-206 Year-2021 Thana- MANIHARI District- Katihar

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LALU PRASAD YADAV @ LALU PD. YADAV Son of Janardhan Yadav
Resident of Village - Mirjapur, Baghar, Police Station - Manihari, District -
Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah

For the Opposite Party/s : Mr. Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-07-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner seeks bail in connection with Manihari

P.S. Case No. 206/2021 registered for the offences punishable

under Sections 147, 148, 149, 364, 302, 201, 307, 386, 387,

120B of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, there is previous land dispute

between the parties with regard to possession of same. Accused

persons of this case wanted to dispossess the informant's side

forcibly. It has been stated that on 18.09.2021 the uncle of the

informant, Sunil Yadav, Mahesh Yadav and Dinesh Yadav were



going to their field to plant Kalay crop, where accused persons named in the FIR and others alongwith one unknown person surrounded the informant and others, at the order of Sahab Yadav, co-accused, Bipin Yadav made firing upon uncle of the informant Mukesh Prasad Yadav and co-accused, Ram Niwas Yadav fired upon Sunil Yadav by pistol.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR, his name has surfaced in this case during course of investigation as mentioned in para 54 of the case diary in which the petitioner admitted his guilt before the police. He further submits that there is no specific allegation against the petitioner and there is allegation of active participation in the alleged occurrence. No incriminating articles has been recovered from the possession of the petitioner and there is no cogent material against the petitioner except his own confessional statement before the police. The petitioner is languishing in custody since 22.09.2021 and bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused, Saheb Yadav has been granted bail by this Court vide Cr. Misc. No. 9649/2022.



The case of the present petitioner stands on better footing in comparison to the co-accused, Saheb Yadav who has already been granted bail.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not named in the FIR, co-accused, Saheb Yadav has already been granted bail by this Court, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Manihari P.S. Case No. 206/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates



would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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