

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14280 of 2022

Arising Out of PS. Case No.-167 Year-2020 Thana- LAKHISARAI District- Lakhisarai

Ram Baran Yadav Son of Late Rajendra Prasad Yadav Resident of Village-
Murbariya, P.S.- Pipariya, District- Lakhisarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Shankar Singh, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 13-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Lakhisarai P.S. Case No. 167 of 2020 registered for the offences
under Sections 302, 120B/34 of the Indian Penal Code and
Sections 25(1-b)a, 26(i) and 27 of the Arms Act.

The substance of the allegation is that three co-
villagers of the informant who are named in the FIR came at the
dalan of the informant's house on two different motorcycles
along with two unidentified persons and thereafter opened fire
arm haphazardly and caused injury to the informant's father,



who succumbed to death on the spot and then informant and his family members rushed to the spot and saw that other co-accused persons were sitting in a Sumo vehicle, and as per the informant his deceased father had earlier lodged a murder case in respect of death of his brother against three named accused which was under trial at Session Court in Lakhisarai in which the informant's father gave his evidence against the accused persons'.

The main submissions advanced by learned counsel for the petitioner are that petitioner is not named in the FIR and his involvement in the alleged crime came into light in the statement of co-accused Rahul who has been granted bail by this Court vide order passed in Criminal Miscellaneous No. 41027 of 2020 and some other co-accused persons whose involvement also surfaced in the statement of the said co-accused, have been considered for anticipatory bail and regular bail by different orders passed in Cr. Misc. No. 33881 of 2020, Cr. Misc. No. 34286 of 2020, Cr. Misc. No. 24787 of 2020, Cr. Misc. No. 35275 of 2020, Cr. Misc. No. 41027 of 2020 and Cr. Misc. No. 15807 of 2021 further submission is that except the statement of co-accused Rahul against the petitioner there is no material and the said statement has no legal force and, mainly considering the



petitioner's criminal antecedent he has been dragged into the present case, and in respect of said antecedent cases he is on bail.

Learned APP appearing for the State has opposed the bail prayer.

Having considered the facts that the petitioner has not been named in the FIR and his name has surfaced in the statement of co-accused Rahul as submitted by petitioner's counsel, who has been considered for bail by a co-ordinate bench of this Court and some co-accused persons who have been named in the FIR, have been considered for regular bail by a co-ordinate bench of this Court vide order passed in above mentioned Cr. Misc. and petitioner has taken the plea that he has been made accused in this case mainly on the basis of his criminal antecedent and the statements made by the co-accused before the police. Against the said pleas, there is no submission by the prosecution, in my view a lenient approach can be taken in respect of petitioner's prayer let the petitioner 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 concerned Court in Connection with Lakhisarai P.S. Case No. 167 of 2020, on the following conditions.



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) 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.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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