

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29226 of 2021

Arising Out of PS. Case No.-185 Year-2020 Thana- MOKAMAH District- Patna

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LALU YADAV S/O LATE RAMJI YADAV R/o village- Kanhaipur Gahil
Asthan, P.S.- Mokama, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anshul, Advocate.
		Mr. Alok Kumar Alok, Advocate.
For the Opposite Party/s :		Mr. ARUN KUMAR ARUN
		Mr.SANJAY KUMAR

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

10 07-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Mokama P.S. Case No. 185 of 2020 for the offence punishable
under Sections 147, 148, 149 and 302/34 of the Indian Penal
Code and Section 27 of the Arms Act.

The prosecution story, in brief, is that on 13.09.2020
at 04:00 PM, the informant Madhu Devi was at her house and at
the same time, her son Guddu Kumar aged about 20 years went
out from house. In the meantime, Laxman Yadav, Mukesh



Yadav, Nitish Kumar, Bindeshwar Yadav, Dipu Yadav, Nageshwar Yadav, Mitu Yadav, Umesh Yadav, Lalu Yadav (petitioner), Yugal Yadav, Sunil Yadav, Sudhir Yadav, Pramod Yadav, Sanjay Yadav, S/o not known, Sanjay Yadav, S/o Bharat Yadav and Sagar Yadav who were armed with fire arms surrounded her son. Laxman Yadav and Mukesh Yadav fired, which hit on the chest of Guddu, Nitish fired which hit on his shoulder, Bindeshwar Yadav fired which hit on the upper of his neck, Dipu Yadav fired which hit on his waist and Nageshwar Yadav fired which hit on his thigh. They fled away confirming that Guddu Kumar has died. Villagers saw the occurrence.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the petitioner was the member of the mob. No overt act is alleged against the petitioner. There is no allegation of firing against the petitioner. There is no allegation of tampering with the evidence or influencing the witnesses. Petitioner is in custody since 22.09.2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and



circumstances of the case, there is no allegation of firing against the petitioner and he was the member of the mob, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-II, Barh, Patna in connection with Mokama P.S. Case No. 185 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The petitioner will make his attendance before the concerned police station under which his house is located every day at 9 AM till conclusion of the trial and on any single default without any valid reasons on the part of the



petitioner, his bail bonds shall be cancelled and the concerned SHO of the police station shall submit his monthly attendance report to the Senior Superintendent of Police, Patna.

(Purnendu Singh, J)

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