

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35248 of 2021

Arising Out of PS. Case No.-162 Year-2020 Thana- EKANGARSARAI District- Nalanda

Lalu Kumar Son Of Yadu Chaudhari R/O Village- Chamerha, P.S.-
Ekangarsarai, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar, Adv.

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 19-01-2022 The matter has been listed today for consideration
through virtual mode.

Heard learned counsel appearing on behalf of the
petitioner as well as learned APP for the State.

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

Petitioner who is in custody since 04.11.2020 seeks
bail in connection with Ekangarsarai P.S. Case No.162 of 2020
registered for offence punishable under Section 379 of the IPC.

Prosecution case in brief, is that one Swaraj tractor
bearing registration no. BR25G9910 having Chassis No. WZTH
25428157842 and Engine No.33.1008/S2HO 4779 was stolen
while it was parked at Chandehra Khanta.

Learned counsel appearing on behalf of the petitioner



submits that since several cases are pending against him. , he has been roped in the present case. He further submits that he is innocent. So far as the present case is concerned and hence he may be released on bail taking into consideration the period of custody as well.

Learned counsel for the State submits that petitioner who has a very long criminal antecedent showing his involvement in not less than ten cases which were registered against him. There is every likelihood of witness or evidence being tampered with and being adversely influenced under the coercive clout of criminality of the petitioner. Involvement of the petitioner in eight cases is not an ordinary circumstances and cannot be lightly ignored. Petitioner further submits that nothing has been recovered from his conscious possession and one another co-accused has already been released on bail who is also having several criminal cases pending against him

Learned counsel for the State further submits that if the petitioner is released on bail it will affect fair trial, affecting all the above cases and hence he do not deserves to be released on bail.

Considering the above-mentioned facts and circumstances of the case and the allegation made in the FIR,



however, there is a specific averments made by the petitioner that his name has been roped in the present case on the basis of confessional statement, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs.2,00,000/- (Rupees Two Lac) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Hilsa at Nalanda in connection with Ekangarsarai P.S. Case No.162 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 tamper 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.

(Purnendu Singh, J)

Prakash Narayan /-

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