

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29510 of 2022

Arising Out of PS. Case No.-340 Year-2020 Thana- BANKA District- Banka

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Lalu Yadav @ Sharad Yadav Son of Ashok Yadav Resident of Village -
Majlishpur, P.s.- and Distt.- Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 15-09-2022 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 Banka
P.S. Case No.340 of 2020 registered for the offences punishable
under Sections 147, 148, 149, 323, 307, 504 of the Indian Penal
Code and Section 27 of the Arms Act.

As per the allegation, co-accused persons namely
Bulla Yadav and Gopal Yadav firstly started abusing and
assaulting the informant without any reason and after some
hours fifty to sixty persons including the petitioner came there
and started abusing the villagers and pelting bricks and stones at



them and also hurled bomb upon the villagers and opened fire-arms and the petitioner and some of the co-accused persons were identified by the informant who were involved in the alleged occurrence.

The main submissions advanced by the learned counsel Mr. Dhananjay Kumar Pandey for the petitioner are that against the petitioner there is criminal antecedent of six cases in which he is on bail in four cases and fifty to sixty persons are alleged to have committed the alleged occurrence but against the petitioner there is no specific allegation and he is simply alleged to be a member of the alleged mob and the alleged occurrence relates to simple *Maar Peet* and pelting of bricks and stones by a mob at the prosecution party and four similarly situated co-accused persons have been granted anticipatory bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.72344 of 2021 and the petitioner has been languishing in jail since 24.03.2022 and his case stands on better footing from the co-accused persons who are on bail.

Learned APP Mr. Aditya Narayan Singh.¹ appearing for the State has opposed the bail prayer.

In view of above submissions and mainly considering the fact that any specific role or act of this petitioner in the



alleged occurrence of *Maar Peet* has not been revealed in the FIR and he is simply stated to be a member of the alleged mob and all the injured persons sustained simple injuries and against the petitioner the investigation has been completed and some similarly situated co-accused persons have been granted anticipatory bail, in the opinion of this Court a lenient approach can be taken in respect of the 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 the concerned Court in connection with Banka P.S. Case No.340 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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