

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39168 of 2021

Arising Out of PS. Case No.-342 Year-2019 Thana- SAHPUR District- Bhojpur

LALU YADAV @ LALLU YADAV S/o- Late Vyasi Yadav R/o Village-
Shahpur, Ward No. 10, P.S.- Shahpur, District- Bhojpur,.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Yadav, Advocate.

For the Opposite Party/s : Mr.Ajit Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 28-02-2022 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
Shahpur P.S. Case No. 342 of 2019 for the offence punishable
under Sections 341, 323, 326, 307 and 504/34 of the Indian
Penal Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that the petitioner
along with other co-accused named in the F.I.R. instigated one
Binod Yadav who assaulted the informant while he was giving
information with respect to the incidence which has taken place
in the morning that one co-accused Rahul Yadav had dashed the



motorcycle of the informant and assaulted him with leg and fist.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case due to dirty village politics. He further submits that the allegation levelled against the petitioner is general and omnibus rather specific allegation of assault is against Binod Yadav and Rahul Yadav which is corroborated by the injury report. The petitioner is only a member of the mob and for that he is in custody since 06.02.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that all the accused persons including the petitioner had assaulted the informant who sustained injury and the same has been opined by the doctor in the injury report.

Considering the aforementioned facts and circumstances of the case, on perusal of the F.I.R. as well as case diary, it appears that petitioner was one of the member of the mob and specific allegation of assault is against one Binod Yadav and the allegation levelled against the petitioner is general and omnibus and there is no allegation of tampering with the evidence or influencing the witnesses, 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-I, Ara at Bhojpur in connection with Shahpur P.S. Case No. 342 of 2019, 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) if any other case is found pending against the petitioner as stated in Para-3 of the bail petition, the present order will automatically loose its force.

(Purnendu Singh, J)

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