

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39420 of 2021

Arising Out of PS. Case No.-155 Year-2019 Thana- FULKAHA District- Araria

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LALU KUMAR YADAV @ LALU YADAV S/o Samat Lal Yadav R/o
village- Achra, Ward No. 5, P.S.- Fulkaha, District- Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-01-2022 Heard Mr. Gopal Kumar Jha, learned counsel for the

petitioner and Mr. Brajendra Nath Pandey, learned Additional

Public Prosecutor appearing for the State through video

conferencing.

Petitioner seeks regular bail in connection with

Fulkaha P.S. Case No. 155 of 2019 registered for the offences

punishable under Sections 25(1-b)a, 26, 35 of the Arms Act and

Sections 413, 414 and 34 of the Indian Penal Code 1860.

The allegation as per the First Information Report is

that the Police on the basis of secret information raided the

house of co-accused Shiv Ratan Yadav @ Natta and upon seeing

the Police Party, three persons riding on the Motorcycle started

fleeing away. However, they were apprehended by the Police

and from possession of the petitioner one country made pistol



loaded with one cartridge has been recovered.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case with oblique motive and he has not committed any offence in the manner alleged. However, the submission is that co-accused Shiv Ratan Yadav @ Natta has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. 2853 of 2020. Learned counsel further submits that the petitioner is in custody since 5.10.2019 i.e. for about two years, the charge sheet has already been submitted and there is no likelihood that the petitioner will abscond or tamper with the evidence.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that the petitioner is in custody since 5.10.2019, charge sheet has already been submitted and the trial is not likely to be concluded in near future due to Covid-19 pandemic, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Araria, in connection with Fulkaha P.S. Case No. 155 of 2019



subject to the condition that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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