

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32722 of 2022

Arising Out of PS. Case No.-264 Year-2017 Thana- BARH District- Patna

=====

Lallu Yadav @ Lallu Rai @ Lalu Yadav @ Lalu Rai Son of Chandra Shekhar
Yadav @ Chandra shekhar Rai @ Bam Rai Resident of Village - Jalgovind,
P.S. - Barh, District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Mahendra Prasad Bhartee, Advocate.

For the Opposite Party/s : Mr.Ramchandra Singh, APP.

=====

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 01-09-2022 The learned counsel for the petitioner is directed to re-

move all the defects pointed out by the Stamp Reporter within one

month.

Mr. Mahendra Prasad Bhartee, learned counsel for the
petitioner and Mr. Ramchandra Singh, learned APP for the State
are present.

Petitioner seeks regular bail in connection with Barh
P.S. case no. 264 of 2017 registered for the offences punishable
under Sections 302, 34 of the Indian Penal Code and Section 27 of
the Arms Act.

As per allegation, on the alleged date and time of occur-
rence the informant's son was looking after the crop at his field
and at that time the informant went out to attend the call of nature
and in the meantime she saw three accused persons who are named
in the FIR standing near the machan where the victim was present
and after some time the informant heard the noise of firing and



saw the above named accused persons fleeing with a pistol and thereafter she found her son having sustained fire arm injury on his chest and he died at the spot.

The main submissions advanced by Mr. Mahendra Prasad Bhartee, learned counsel for the petitioner are that the petitioner is not named in the FIR, he and the informant are co-villagers and the informant claimed in the FIR, that she saw the accused persons who caused the fire arm injury but she did not reveal the name of this petitioner as being the assailant and being present at the place of occurrence along with accused persons while she named the brother of this petitioner as an accused in the FIR hence these facts clearly show that the petitioner was not present at the place of occurrence. Further submission is that the main accused Jitendra Yadav has been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 44677 of 2021 and petitioner's case stands on better footing than him and the petitioner has been languishing in jail since 04.02.2022.

Mr. Ramchandra Singh, learned APP has opposed the prayer for bail.

In view of the above submissions and mainly taking into account the facts that the petitioner is not named in the FIR and one named accused Jitendra Yadav who is alleged to be one of the assailants has been granted bail by a co-ordinate bench of this



Court vide order passed in above mentioned Cr. Misc. and the informant did not name this petitioner as an accused in the FIR while the petitioner is known, to her as they are co-villagers, in the opinion of this Court, a lenient approach can be taken in respect of 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 concerned Court in connection with Barh P.S. case No. 264 of 2017 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)

siddharthkr/-

U		T	
---	--	---	--

