

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35518 of 2022

Arising Out of PS. Case No.-149 Year-2021 Thana- BIHAR District- Nalanda

Lala Yadav, son of Babulal Yadav, R/o Village- Ganjpar, P.S.- Bihar, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Chaudhary, Sr. Advocate. Mr. Akshansh Ankit, Advocate.
For the Opposite Party/s	:	Mr. Ram Anurag Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-08-2022 Heard Mr. Ashok Kumar Chaudhary, learned senior counsel along with Mr. Akshansh Ankit, learned counsel appearing on behalf of the petitioner and Mr. Ram Anurag Singh, 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 Bihar P.S. Case No. 149 of 2021 for the offence punishable under Sections 147, 148, 149, 323, 325, 504, 506, 307 and 302 of the Indian Penal Code.

The prosecution story, in brief, is that there was certain disputes between the parties with respect to the construction of temple. The informant is the elder brother of the



deceased who had died during the fight between the parties in the course of treatment.

Vide order dated 24.03.2022 passed in Cr. Misc. No. 46891 of 2021, a conditional order was passed by this Court to release the petitioner on certain terms and conditions as mentioned in the said order.

The said order was modified vide order dated 18.05.2022 passed in Cr. Misc. No. 25526 of 2022 with direction to the Superintendent of Police, Nalanda to produce CCTV footage of the alleged occurrence which took place on 28.02.2021 considering the fact that the name of the petitioner has come in the present case on the basis of confessional statement of one co-accused Chhotelal Yadav.

Specific submission has been made on behalf of the petitioner that the court below has hurriedly passed the order dated 31.05.2022 by not complying the order of this Court by directing the Superintendent of Police, Nalanda to produce the F.S.L. report forthwith, instead of that, he has simply rejected the prayer for bail of the petitioner in a routine manner which must be deprecated.

Learned counsel appearing on behalf of the petitioner submits that the co-accused Chhotelal Yadav on whose



confession, the petitioner has been roped in the present case, has already been released on bail vide order dated 19.05.2022 passed in Cr. Misc. No. 50425 of 2021 by a co-ordinate Bench of this Court. Charge sheet has already been submitted and the petitioner is in custody since 18.05.2021.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Having considered the rival submissions of the parties and taking into account the fact that the petitioner has been made accused in this case on the basis of confessional statement made by one co-accused Chhotelal Yadav who has already been released on bail by a co-ordinate Bench of this Court and also taking into consideration the fact that the order passed by the learned 2nd Additional Sessions Judge, Biharsharif, Nalanda is quite deplorable considering the fact that instead of directing the concerned Superintendent of Police or seeking F.S.L. report of the CCTV footage from the Director, F.S.L. Patna, he has hurriedly passed the order dated 31.05.2022. Prima facie, it appears that the petitioner has been made accused in the present case merely on the basis of suspicion and no incriminating material has been brought on record to show the complicity of the petitioner in the present case. I am of the opinion that the



petitioner has made out a case to be released on bail.

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 Additional Sessions Judge-II, Bihar Sharif, Nalanda in connection with Bihar P.S. Case No. 149 of 2021, 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.

(Purnendu Singh, J)

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