

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46379 of 2021**

Arising Out of PS. Case No.-218 Year-2019 Thana- CHAUTHAM District- Khagaria

LALU KUMAR @ LALU YADAV Son of Late Surendra Yadav Resident of
Village - Chukti, P.S.- Mansi, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Siddhartha Kumar Singh, Advocate
For the Opposite Party/s : Mr.Awadhesh Kumar Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

3 04-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Choutham P.S. Case No. 218 of 2019, for the offence punishable
under Section 395 of the Indian Penal Code.

The F.I.R. of the occurrence of dacoity is against
unknown. The petitioner along with other accused are said to
have snatched the motorcycle and other belongings of the
informant.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is innocent and he has falsely been
implicated in this case. He further submits that the name of
petitioner has surfaced in course of investigation on the basis of



confessional statement of co-accused Samir Kumar @ Samir Yadav, who has named seven persons and all the accused persons have already been released on bail, he claims parity for being released on bail. In paragraph Nos. 149 and 155, it would appear that they refused to identify the petitioner.

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

Considering the aforementioned facts and circumstances of the case, nature of allegation as well as conduct of the petitioner, who is involved in several other case, taking into consideration the period of custody undergone, the Court below is directed to verify the statement made in paragraph No.3 of the bail application relating to the number of cases pending against the petitioner in case the same is correct, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Chief Judicial Magistrate, Khagaria in connection with Choutham P.S. Case No. 218 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) The petitioner will make his attendance before the concerned Police Station under which his house is located every fortnight till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the Police Station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(Purnendu Singh, J)

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