

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46891 of 2021**

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

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LALA YADAV Son of Babulal Yadav Resident of Village- Ganjpar, P.S.-
Bihar, District- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Choudhary, Sr. Advocate Mr. Bhola Kumar, Advocate
For the Opposite Party/s :		Mr. Ajit Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-03-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the

complete start of the physical Court in normal course.

Petitioner, who is in custody since 18.05.2021, seeks

regular bail in connection with Bihar P.S. Case No. 149 of 2021

registered for offences punishable under Sections 147, 148, 149,

323, 325, 504, 506, 307 and 302 of the Indian Penal Code.

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 course of

treatment.



Learned Senior Counsel appearing on behalf of the petitioner submits that petitioner is not named in the F.I.R. which has delayed the trial Court to proceed with the trial. So far as the petitioner is concerned, it has been delayed due to not submission of the CCTV footage before the trial Court.

Learned counsel appearing on behalf of the informant submits that in course of investigation, several materials have been collected against the petitioner who with a common intention has committed murder of the brother of the informant.

Learned A.P.P., for the State submits that case diary is required in the present case.

Having heard the rival submission of the parties, the allegations made in the FIR, the Superintendent of Police, Nalanda is directed to produce the CCTV footage of the alleged occurrence which took place on 28.02.2021 before the Court below within a week from the date of communication of this order.

The trial Court is directed to make scientific analysis of the recording of the CCTV footage. If no overt act is found to have been committed by the petitioner, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two



sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Bihar P.S. Case No. 149 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) 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.

(iv) 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 bond.

Let a copy of this order be communicated to the Superintendent of Police, Nalanda.

With above observation and direction, the present bail application is disposed of.

(Purnendu Singh, J)

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