

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39852 of 2022

Arising Out of PS. Case No.-191 Year-2020 Thana- GOPALPUR District- Patna

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Lalu Yadav@ Ajit Kumar @ Doctor Son of Janeshwar Yadav Resident of
Village - Belaura, P.s.- Banshi (Karpi), Distt.- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate
For the State : Mr. Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-11-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Gopalpur

P.S. Case No. 191 of 2020 registered for the offence under

Sections 302 and 34 of the Indian Penal Code and Section 27 of

the Arms Act.

The accused/petitioner is not named in the F.I.R. and

is in custody since 26.02.2021.



The allegation against the petitioner is to commit murder of younger brother of the informant by causing fire arm injuries, alongwith other co-accused persons, due to previous enmity.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was not named in the F.I.R. It is submitted that during the course of investigation, name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Pappu @ Pintu Yadav @ Pinku Kumar in furtherance of which nothing incriminating surfaced/recovered during the course of investigation, which may connect this petitioner, *prima facie*, with the present occurrence of murder. It is submitted that at the time of the occurrence, petitioner was in custody in connection with Alipur P.S. Case No. 37 of 2020. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the F.I.R.

In view of the facts and circumstances as mentioned



above, as petitioner is not named in the F.I.R. and appears to be in custody at the time of the occurrence coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Gopalpur P.S. Case No. 191 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Patna/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by



the documents.

(iii) That one of the bailors shall be
the deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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