

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40407 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- TEKARI District- Gaya

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LALU YADAV @ LALU KUMAR S/o Subelal Yadav @ Mukhiya Yadav R/o
village- Kamalpur, P.S.- Tekari, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-10-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is an accused in connection with
Tekari (Mau O.P.) P.S. Case No. 08 of 2022 under Sections 461
and 379 of the Indian Penal Code.

As per the prosecution story, the informant has
alleged that unknown accused persons looted his laptop, charger
as also cash amount of Rs. 30,000/-. Subsequently, the police
investigated the matter and the accused persons were
apprehended and on the confession of Nitish Kumar name of
this petitioner cropped up and as per the observation made by



the learned Sessions Judge, on the basis of the confession made by this petitioner, the stolen laptop, charger, SIM as also the cash were recovered.

Learned counsel for the petitioner submits that the name has come in the confessional statement of Nitish Kumar and even going by the allegation, he has suffered a lot by being in custody since 25.02.2022 (as stated in paragraph-16 of the bail application). He however concedes that he do have criminal antecedent but is ready to abide by all the terms and conditions as imposed by this Court if released on bail.

Per contra, learned APP for the State submits that a bare perusal of the observation made by the learned Sessions Judge shows the complicity of this petitioner in the alleged occurrence.

Taking into account the period of custody (25.02.2022) as also the fact that charge sheet stands submitted and ultimately he has to face the trial, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Gaya in connection with Tekari (Mau O.P)



P.S. Case No. 08 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall leave the district Gaya for a period of one month(s) after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station concerned (where he will stay) every week to mark his attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty



to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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