

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55349 of 2021

Arising Out of PS. Case No.-177 Year-2020 Thana- HISUWA District- Nawada

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LALU PRASAD @ LALLU KUMAR S/O KULDIP YADAV R/o village-
Modi Bigha, P.S.- Hisua, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Hisua P.S.
Case No. 177 of 2020 registered for the offences punishable
under Sections 302/34 of the IPC.

As per prosecution case, on 06.06.2020 at about 9:00
AM, an altercation took place between the father of petitioner
and one Umesh Yadav on the point of dispute of drainage. It is
further alleged that all the FIR named accused persons including
this petitioner started assaulting daughter of Umesh Yadav,



which was objected by informant and all the accused started abusing him and thereafter, this petitioner and others started pelting stones, which hit the eight years old son of informant on his head and he became senseless and during course of treatment, he died.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. It is further submitted that it appears from the FIR that there is general and omnibus allegation against all the accused persons including the petitioner. There is no specific allegation of overt-act against the petitioner. He further submits that similarly situated co-accused Dinesh Kumar @ Dinesh Kumar Dinkar has been granted anticipatory bail by a co-ordinate Bench of this court vide order dated 19.07.2021 passed in Cr. Misc. No. 1396 of 2021. He further submits that co-accused Ravindra Prasad @ Manohar @ Ravindra Yadav has been granted bail by a co-ordinate Bench of this court vide order dated 06.09.2021 passed in Cr. Misc. No. 24835 of 2021. Learned counsel further submits that police after investigation submitted charge sheet against the petitioner. Petitioner is in custody since 06.04.2021.

The learned Additional Public Prosecutor opposed the



prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in connection with Hisua P.S. Case No. 177 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the



court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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