

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47516 of 2022

Arising Out of PS. Case No.-557 Year-2018 Thana- BODHGAYA District- Gaya

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Lalu Yadav @ Shyam Sundar Kumar @ Lalu Kumar S/o Durga Yadav
Resident of village- Nawanpurbi, P.S.- Bodhgaya, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Adv.

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-11-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Bodhgaya P.S. Case No. 557 of 2018 lodged under Sections
341, 323, 354A, 354D, 379 & 506/34 of the I.P.C.

As per prosecution case, the allegation of outraging
the modesty and snatching the gold chain from the neck and ear
is there in the F.I.R. against two named accused persons
including the petitioner.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that by reading the F.I.R. it transpires that it is a false

F.I.R. and prepared by applying extra mind due to the reason that the date of occurrence is 18.09.2018 and the F.I.R. has been lodged on 25.09.2018 i.e. delay of about 7 days. Learned counsel further submits that this case has been filed with ulterior motive due to the reason that informant has greedy eyes on the land of one Kapil Dev Singh who sold the land to Devanti Devi i.e. wife of Satendra Manjhi and father of the petitioner was instrumental in the transaction of land and was even a witness of the sale deed. He further submits that they are the supporters of the person who are enemy of the informant it is due to this reason name of the petitioner has been figured in this case after 7 days of the alleged occurrence. Learned counsel for the petitioner further submits that petitioner is in custody since 29.03.2022 and there is one criminal case pending against him in which he is on bail.

Learned counsel for the State opposes the prayer for bail and submits that case diary is required in this case.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO, Gaya in

connection with POCSO Case No. 133 of 2020 arising out of Bodhgaya P.S. Case No. 557 of 2018, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

ravishankar/-

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