

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58108 of 2021

Arising Out of PS. Case No.-154 Year-2019 Thana- UDWANTNAGAR District- Bhojpur

Laldhari @ Laldhari Yadav @ Lal Dhari Singh, Son of Ram Ladu Singh,
Resident of Village - Milki, P.S.- Udwanatnagar, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar, Advocate

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

10 05-09-2022

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Sessions Trial No. 01 of 2020, arising out of
Udwanatnagar P.S. Case No. 154 of 2019 registered for the
alleged offences under Sections 147, 148, 149, 341, 323, 307 of
the Indian Penal Code and later on, Section 302 IPC was added.

As per the prosecution case, the petitioner and 10
other co-accused persons came to the land of the informant and
started erecting a wall. When the informant, his uncles and aunt
objected to that, then the petitioner gave '*Bhala*' blow on the



head of the uncle of the informant, namely Mohan Singh. Another uncle and aunt of the informant were also assaulted by the other co-accused persons. During treatment, uncle of the informant, who was assaulted by this petitioner, succumbed to his injury.

Vide order dated 25.07.2022, a report with regard to present stage of trial and the time likely to be taken for its conclusion has been called for from the trial court. A report has been received from the learned Additional Sessions Judge-VII, Bhojpur at Ara wherein he has submitted that out of seven prosecution witnesses, two have been examined till 28.07.2022.

The learned counsel for the petitioner submits that the bail petition of the petitioner was rejected twice vide order dated 20.01.2020 passed in Cr. Misc. No.87262 of 2019 and the order dated 07.04.2021 passed in Cr. Misc. No.33475 of 2020. The learned counsel further submits that though this petitioner is in custody since 02.09.2019 and almost three years have elapsed, but only two witnesses have been examined. From the post mortem report, it is apparent that the injury which caused the death of the uncle of the informant was caused by some hard and blunt object and not by a piercing weapon. So the allegation of assault by '*Bhala*' against this petitioner is falsified and the



prosecution story is not believable. The other co-accused persons have been granted bail by series of orders passed by different Coordinate Benches of this Court in Cr. Misc. Nos.57236 of 2019, 70039 of 2019, 77028 of 2019, 82757 of 2019, 83098 of 2019 and 25483 of 2020.

Learned A.P.P. opposes the prayer for bail submitting that twice the prayer for bail of the petitioner was rejected.

Having regard to the facts and circumstances and submissions made hereinabove and considering the post mortem report not showing the injury as alleged against the petitioner and also considering the stage of trial as well as the period of custody of the petitioner and his clean antecedent, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XI, Bhojpur, in connection with Sessions Trial No. 01 of 2021 arising out of Udwanthnagar P.S. Case No. 154 of 2019, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each



and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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