

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11883 of 2023

Arising Out of PS. Case No.-172 Year-2020 Thana- NAUHATTA District- Saharsa

LALAN YADAV Son of Late Badri Yadav R/v- Shahpur Ramji Tola, P.S.-
Nauhatta, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Advocate
	:	Mr. Binod Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
15.07.2022 in connection with Nauhatta P.S. Case No. 172 of
2020, F.I.R. dated 08.11.2020 registered for the offence
punishable under Sections 302/34 of IPC and Section 27 of
Arms Act.

3. As per the prosecution case, it is stated by the
informant that she woke up on hearing the sound of firing and
saw five accused persons, whom she did not recognize, running
away. Her husband who had been shot, on being taken to the
hospital was declared dead.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the



present case. Further submits that the informant is not the eye witness of the alleged occurrence merely on the basis of suspicion the petitioner has been implicated in the present case and no one has claimed that he/she is the eye witness of the alleged occurrence and except the suspicion no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the similarly situated co-accused person, namely, Hira Mistri has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 21.01.2022 passed in Cr. Misc. No.29614 of 2021 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 15.07.2022.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries six more cases other than the present one, but fairly submits that out of six cases, the petitioner is on bail in five cases and rest one case is pending, as mentioned in para-3 of the supplementary affidavit.

6. Considering the aforesaid facts, 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 learned J.M. 1st Class, Saharsa in connection with Nauhatta P.S.Case No.172 of 2020,with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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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