

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12268 of 2023

Arising Out of PS. Case No.-42 Year-2022 Thana- PRATAPGANJ District- Supaul

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LALU YADAV @ LALU KUMAR YADAV S/O DEV KUMAR YADAV
Resident of Village- Gadhiya, Govindpur, P.S.- Pratapganj, District- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
25.11.2022 in connection with Pratapganj P.S. Case No. 42 of
2022, F.I.R. dated 01.03.2022 for the offences punishable under
Sections 341, 323, 307, 379/34 of the Indian Penal Code.

According to prosecution case, on the basis of written
report of informant, Ramanand Yadav, who has alleged therein
that on 20.02.2022 at around 11:00 P.M., his younger brother
namely Umanand Kumar was returning to his house from Voda
Company tower at Pipra Khurd and when he reached near east
of Mushari Tola, accused petitioner along with co-accused
Awadhesh Yadav and other unknown miscreants intercepted him
on the gun point and assaulted on his head by means of iron rod



having threw him down on the ground. It is further alleged that the aforesaid accused persons snatched Rs.15000/- cash and one golden chain from the informant's brother. The injured was brought to Pratapganj Hospital, from where after primary treatment he was referred to Sadar Hospital, Supaul.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the F.I.R. was instituted after delay of nine days of the present occurrence and there is no explanation given in the F.I.R. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against the petitioner and there is no specific allegation of any assault or overt-act against the petitioner. He further submits that similarly situated, co-accused, namely, Awadhesh Yadav against whom the allegation has been granted bail by a co-ordinate Bench of this Court vide order dated 25.11.2022 passed in Cr. Misc. No. 43876 of 2022 and the case of the petitioner is on similar footing. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 25.11.2022.

The learned Additional Public Prosecutor for the State



has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 S.D.J.M., Birpur, Supaul in connection with Pratapganj P.S. Case No. 42 of 2022, 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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