

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26919 of 2023

Arising Out of PS. Case No.-112 Year-2022 Thana- BASOPATTI District- Madhubani

1. Laloo Yadav @ Laloo Kumar Yadav, Sex-M, aged about 36 years, son of Maheshwar Yadav,
2. Surya Narayan Yadav @ Surya Nath Yadav @ Surya Narain, aged about 51 years, (Male), son of Maheshwar Yadav,
Both resident of village- Madhiya, P.S.- Basopatti, Dist.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikramdeo Singh, Advocate Mr. Bhavesh Kumar Sah, Advocate
For the Opposite Party/s	:	Mr. Nawal Kishore Prasad, Advocate
For the informant	:	Mr. Subhash Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the State and learned counsel for the informant.

2. The petitioners seek bail in connection with Basopatti PS Case No.112 of 2022 dated 31.05.2022, instituted for the offence punishable under Sections 302, 201, 120-B of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that the informant got information on 31.05.2022 at 3.00 AM on phone that his son, Surendra Yadav, has been killed and his body is lying by the side of the road. The informant went to the place of



occurrence and found the bullet motorcycle of his son standing near the place of occurrence and his son was lying in the field in the pool of blood. He was already dead.

4. Learned counsel for the petitioners submitted that petitioners have been falsely implicated in this case. It is also submitted that earlier the petitioners were granted anticipatory bail till filing of charge-sheet by a co-ordinate Bench of this Court by order dated 12.12.2022 passed in Cr. Misc. No. 65264 of 2022. After submission of charge-sheet, anticipatory bail of the petitioners was cancelled and non-bailable warrants of arrest were issued against the petitioner. Consequent upon issuance of warrants of arrest, the petitioners were arrested and remanded to judicial custody and they are in custody since 12.02.2023. Learned counsel further submitted that there is no eye witness to the occurrence and nothing incriminating articles has been recovered from the possession of the petitioners. FIR is against unknown. The petitioners have no involvement either direct or indirect in the alleged occurrence. Only on suspicion, on account of enmity due to election of PACS between the parties, the petitioners have been implicated. Learned counsel further submitted that the petitioner no. 1 has been made accused in two criminal cases and petitioner no. 2 is accused in one more case



apart from the present one.

5. Learned APP as well as learned counsel for the informant has vehemently opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Sessions Judge, Madhubani, in Basopatti PS Case No.112 of 2022 (S.T. No.160 of 2023), subject to the conditions (i) that the petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioners tamper with the evidence or the witnesses, in that



case, the prosecution will be at liberty to move for cancellation
of bail.

(Khatim Reza, J)

J. Alam/-

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