

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58175 of 2023

Arising Out of PS. Case No.-98 Year-1997 Thana- JOGAPATTI District- West Champaran

Lalan Yadav S/O Dasai Yadav R/O Village- Shrinagar, Ps. Shrinagar, Dist.
West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 05.06.2023 in connection with Sessions Trial No.217 of 2023, CIS No.217 of 2023, arising out of Jogapatti P.S. Case No.98 of 1997, F.I.R. dated 17.10.1997 for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 302, 212, 364(A) of the Indian Penal Code.

3. According to prosecution case, allegation against the petitioner is of assaulting the deceased along with FIR named accused, which caused his death. Police had submitted final report in this case as occurrence to be false, however, differing with police report cognizance has been taken for the offence by C.J.M. Bettiah, West Champaran.



4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the police submitted the final form in favour of all the accused persons but the learned Trial Court has taken cognizance against all the accused persons including the petitioner on 01.07.2011 itself. He further submits that on 12.08.2022 non-bailable warrant has been issued against the petitioner and thereafter, under Sections 82 and 83 of the Code of Criminal Procedure process was also issued and the petitioner was arrested on 05.12.2023. He further submits that similarly situated, co-accused, namely, Anwar Miya @ Anar Miya @ Anwarul Hasen has been granted regular bail by co-ordinate Bench of this Court vide order dated 06.06.2018 passed in Cr. Misc. No.33520 of 2018, another co-accused Bhikhar Yadav has been granted regular bail by a co-ordinate Bench of this Hon'ble Court vide order dated 20.11.2018 passed in Cr. Misc. No.66384 of 2018 and another co-accused namely, Tulsi Yadav has been granted regular bail by co-ordinate Bench of this Hon'ble Court vide order dated 02.09.2019 passed in Cr. Misc. No. 41903 of 2019. The petitioner is in judicial custody since 05.06.2023.

5. The learned Additional Public Prosecutor for the



State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one, in which he is on bail.

6. 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 Additional District and Sessions Judge-VIII, Bettiah, West Champaran in connection with Sessions Trial No.217 of 2023, CIS 217 of 2023, arising out of Jogapatti P.S. Case No. 98 of 1997, 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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