

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67977 of 2022

Arising Out of PS. Case No.-22 Year-2022 Thana- BALRAMPUR District- Katihar

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LALAN KUMAR YADAV @ LALAN YADAV Son of Larantu Yadav R/v-
Alauli, P.S.- Alauli, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

For the Informant : Mr. Enamul Haque, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-03-2023 Heard learned counsel appearing on behalf of the parties.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Balrampur P.S. Case No. 22 of 2022 registered for the offence under Sections 307, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 31.07.2022.

The allegation against the petitioner is to open fire along with other co-accused persons, upon informant while taking cigarette from his shop.

Learned counsel appearing on behalf of the petitioner



submitted that the petitioner is not named in the FIR, where, his name surfaced, during course of investigation, on the basis of statement of witness, namely, Dhaneshwar Yadav, who initially stated that fire was made by unknown, but subsequently it was stated that firing was made by co-accused, namely, Haridosh Yadav and others including this petitioner, subsequent to which, statement of co-accused, namely, Haridosh Yadav, was recorded, where, he named this petitioner, in his confessional statement. It is also submitted that Haridosh Yadav is on bail and the prayer of bail of this petitioner was rejected by learned Sessions Judge, only for the reason, as he found involved in one more criminal case, where, he is on bail. It is also submitted that petitioner was not put on TIP, as yet, where, informant is injured only. Learned counsel also pointed out that no firearms was recovered from the possession of this petitioner to connect with the present set of allegation. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel appearing on behalf of informant, Mr. Anamul Haque, while opposing the prayer of bail, submitted that the allegation of



firing is available against this petitioner.

Considering the facts and circumstances as mentioned above, as save and except confession, no incriminating material surfaced/recovered, during course of investigation, as to connect this petitioner, *prima facie*, with the present occurrence of firing coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Balrampur P.S. Case No. 22 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Katihar/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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