

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9784 of 2024

Arising Out of PS. Case No.-193 Year-2023 Thana- LAUKAHA District- Madhubani

Surendra Yadav Son of Prayag Yadav @ Prayag lal Yadav Resident of Vill.-
Dharmpur, P.S.-Laukaha, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Bharti, Adv.

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 22-04-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Laukaha P.S. Case No. 193 of 2023 corresponding to G.R. No.
1300 of 2023 instituted for the offences under Sections 25(1-
b)A, 26, 35 of the Arms Act.

3. As per prosecution case, the Informant conducted
raid for arresting the named accused of Laukaha P.S. Case No.
162 of 2023 namely Surendra Yadav (petitioner) and he was
arrested at his house. On search, the police recovered a country
made *Katta* and two live cartridges of 08 MM as also one
Aadhar Card of another person namely Ravi Prakash. It is
further alleged that the petitioner has also confessed to be



involved in various criminal cases of heinous crimes like murder, dacoity and arms act.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case merely on the basis of suspicion and village party politics. The name of the petitioner has surfaced in this case on the basis of self confessional statement of the petitioner recorded before the police in which he has confessed that he has also participated in the alleged crime. He further submits that in course of entire investigation, except the statement of interested witnesses, there is nothing on record to suggest the hand of the petitioner in the alleged crime. There is no specific and direct allegation against the petitioner rather the same is omnibus and general in nature. The petitioner has eight criminal antecedents as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 08.07.2023 and the charge-sheet after investigation has been submitted in this case. Charge has not been framed as yet.

5. On the other hand, the learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the allegation made against the petitioner



is serious in nature. He has further stated that the petitioner is named in the F.I.R. and there is also confessional statement of the petitioner in which he has confessed that he is accused in several criminal cases of heinous nature of crimes and, thus, the petitioner does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail *after framing of charge, if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Laukaha P.S. Case No. 193 of 2023 corresponding to G.R. No. 1300 of 2023, subject to following conditions;

(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(iii) 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.

(Rudra Prakash Mishra, J)

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