

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25016 of 2024

Arising Out of PS. Case No.-25 Year-2023 Thana- HUSSAINGANJ District- Siwan

Lalu Yadav@ Lalu Kumar Yadav Son Of Bramha Yadav @ Brahama
Chaudhari Resident Of Village- Khodayibari, Ps- Hussainganj, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Kumari Anupam

For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 19-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in a case registered for offence under Sections 393, 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, while the informant and his brother were going on motorcycle to attend a marriage at Hasanpura and reached at village Mahawal, in the meanwhile, three miscreants riding on a motorcycle came there and tried to snatch his motorcycle and thereafter, one of the miscreant pushed his motorcycle, on account of which, informant and his brother fell down. It is further alleged that one of the miscreant also fired on brother of informant, which hit his brother, as a result of which, on way to hospital, brother of informant died.



4. Learned counsel for the petitioner submits that name of petitioner transpired in this case on the basis of his own confessional statement, which is not admissible in the eye of law. No incriminating article has been recovered from the possession of this petitioner and till date, petitioner has not been put on Test Identification Parade. Petitioner is in custody since 27.02.2023.

5. Learned A.P.P. for the State vehemently opposes the prayer for bail and submits that this petitioner alongwith other accused persons tried to snatch motorcycle of the informant and also fired upon brother of informant, who subsequently died. Besides this, petitioner has got five criminal antecedent, out of which, three are of similar nature.

6. Considering the nature of accusation and criminal antecedent, the prayer for bail of petitioner is rejected.

(Prabhat Kumar Singh, J)

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