

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24914 of 2024**

Arising Out of PS. Case No.-9 Year-2023 Thana- RAGHUNATHPUR District- Siwan

Lalu Yadav @ Lalu Kumar Yadav S/O Bramha Yadav@ Brahama Chaudhari
@ Barama Chavvdhari R/O Village- Khodayibari, P.S- Hussainganj, Distt.-
Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Kumari Anupam, Advocaes
For the Opposite Party/s : Mr.Ajit Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 05-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Raghunathpur P.S. Case No.09 of 2023 instituted for the
offences punishable under Section 393 of the Indian Penal Code
and Section 27 of the Arms Act.

3. As per the prosecution case, the allegation against
four unknown miscreants is that they boarded on a black
motorcycle came and fired upon the informant to stop him with
intention to snatch his motorcycle. The gun shot injured his
thigh and he fell down. Then one another Magic van came there
and all there accused persons fled away.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to dirty village politics. Neither the petitioner is named in the F.I.R. nor put on T.I.P. Nothing has been recovered from the possession of the petitioner. He is languishing in judicial custody since 10.10.2023.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. From perusal of the F.I.R. and impugned order dated 23.02.2024, it appears that on the basis of written report of the informant Gyan Prakash Kumar F.I.R. registered u/s 393 of the IPC and Section 27 of the Arms Act against the unknown persons and name of the petitioner dragged in this case on the basis of his own confessional statement which has no evidentiary value in the eye of law. Neither anything has been recovered from the possession of the petitioner nor T.I.P. has been held by the I.O. of this case, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Siwan in connection with Raghunathpur P.S. Case No. 09 of



2023.

7. The trial Court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen) days from the date of receipt of a copy of this order. However, it is made clear that **if the charge-sheet has not been submitted** then the petitioner shall be released on bail on above conditions and he shall be present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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