

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40674 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- ISMAILPUR District- Bhagalpur

1. Lalu Yadav @ Lalu Kumar S/o Najo Yadav
2. Lalu Yadav @ Lalan Kumar Yadav S/o Late Awadesh Yadav
3. Kailash Yadav @ Kaila @ Rupesh Yadav S/o Chhanguri Yadav.
All are R/o Village-Ismailpur, P.s.-Ismailpur, District-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Anil Kumar,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-07-2024 Learned counsel for the petitioners seeks permission to withdraw this application with respect to petitioner No.1, namely, Lalu Yadav @ Lalu Kumar.

2. Permission is accorded.

3. Accordingly, the anticipatory bail petition with respect to petitioner No.1, namely, Lalu Yadav @ Lalu Kumar is dismissed as withdrawn.

4. Heard Mr.Rajesh Kumar, learned counsel for the petitioner Nos.2 and 3 and Ms.Renu Kumari, learned Additional Public Prosecutor for the State.

5. The petitioners are apprehending their arrest in connection with Ismailpur P.S. Case No. 06 of 2024, F.I.R.



dated 26.01.2024 for the offences punishable under Sections 147, 148, 149, 341, 342, 307, 506, 302 and 504 of the Indian Penal Code and Section 27 of Arms Act.

6. According to prosecution case, all the accused persons including this petitioner have surrounded the husband, son and brother-in-law of the informant and the co-accused Tunna Yadav has shot fired upon the husband of the informant resulting into his death. It is further alleged that the co-accused Vimlesh Yadav has also shot fired upon the son and brother-in-law of the informant.

7. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault, overt-act or firing attributed against the petitioners rather there is specific allegation of firing attributed against co-accused persons, namely, Tunna Yadav and Bimlesh Yadav and co-accused person, namely, Adarsh Yadav, against whom the similar allegation, has been granted privilege of anticipatory bail by this Court vide order dated 26.06.2024 passed in Cr. Misc. No.38025 of 2024.

8. Learned A.P.P. for the State, on the other hand, has



vehemently opposed the prayer for anticipatory bail of the petitioners.

9. Considering the aforesaid facts, petitioners have clean antecedent, there is no specific allegation of any assault, overt-act or firing attributed against the petitioners and co-accused person has been granted privilege of anticipatory bail by this Court, let the petitioner Nos.2 and 3, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand)each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Naugachia, Bhagalpur in connection with Ismailpur P.S. Case No. 06 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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)

Nitesh/-

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