

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55500 of 2024

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

Lalu Yadav Son of Najo Yadav @ Najo Prasad Yadav, Resident of village -
Ismailpur, P.S.- Ismailpur, District - Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Diwakar Upadhyaya, Advocate
For the Opposite Party : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-08-2024 Heard Mr. Diwakar Upadhyaya, the learned
counsel for the petitioner and Mr. Ramchandra Sahni, the
learned Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
13.05.2024, in connection with Ismailpur P.S. Case No. 06 of
2024, FIR dated 26.01.2024, registered for the offences
punishable under Sections 147, 148, 149, 341, 342, 307, 302,
504 and 506 of the Indian Penal Code and under Section 27 of
Arms Act.

3. Earlier the petitioner has moved before this
Hon'ble Court in Cr. Misc. No. 40674 of 2024, which was
dismissed as withdrawn vide order dated 10.07.2024.

4. According to the prosecution case, while the
informant and her family members were buying articles, the co-



accused persons surrounded the husband of the informant and one co-accused person namely, Tunna Yadav took out a *katta* and opened fire on temples of the informant's husband due to which he died on spot. It is further alleged that Vimlesh Yadav fired upon informant's son and brother-in-law, but they managed to save themselves.

5. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that although petitioner is named in the FIR, but bare perusal of the FIR, it appears that there no allegation of any assault or overt act or firing attributed against the petitioner, rather the specific allegation of firing is attributed against the co-accused persons namely, Tunna Yadav and Vimlesh Yadav. He further submits that the co-accused persons namely, Lalu Yadav @ Lalan Kumar Yadav and Kailash Yadav @ Kaila @ Rupesh Yadav have been granted the privilege of anticipatory bail by this Court vide order dated 10.07.2024 passed in Cr. Misc. No. 40674 of 2024 and another co-accused person namely, Adarsh Yadav, against whom there is similar allegation, has been granted the privilege of anticipatory bail by this Court vide order dated 26.06.2024 passed in Cr. Misc. No. 38025 of 2024. He lastly submits that petitioner is in custody since



13.05.2024.

6. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that petitioner is named in the FIR. Apart from that, petitioner carries one criminal antecedent other than the present one, however, he fairly admits that petitioner is on bail in the pending matter.

7. Considering the aforesaid facts and circumstances and mainly the facts that there no allegation of any assault or overt act or firing attributed against the petitioner and the co-accused person, against whom there is similar allegation, has been granted the privilege of anticipatory bail by this Court, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Naugachia, Bhagalpur or successor Court, in connection with **Ismailpur P.S. Case No. 06 of 2024**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two



consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. 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)

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