

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57144 of 2024

Arising Out of PS. Case No.-18 Year-2024 Thana- PAUTHU District- Aurangabad

Lalan Yadav, Son of Ganeshi Yadav, R/V-Village- Jujharpur, P.S.- Goh,
District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-09-2024 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody in connection with S.T. No. 697 of 2024 / 03 of 2024, arising out Pauthu P.S. Case No. 18 of 2024, registered for the offences punishable under Sections 353, 307 and 506/34 of the Indian Penal Code, Sections 25(1-B)(a), 26, 27 and 35 of the Arms Act and Sections 10, 11 and 13 of the Prevention of Unlawful Activity Act, 1967.

3. The police on a secret information that persons of banned organization (Maoist Group) are assembled to execute a crime, raided the place of occurrence. On noticing the police party, some of the persons succeeded in fleeing away, however, two of them including the petitioner were apprehended. On



search, one Katta and five live cartridges were recovered from the possession of the petitioner.

4. Learned Advocate for the petitioner contended that the narratives made in the FIR clearly suggest that when the police raided the place of occurrence, some extremists succeeded in fleeing away. However, only on account of the fact that the petitioner was apprehended by the police, the recovery of arms and cartridges have been shown from his possession. It is next contended that the petitioner has been made accused only on account of his past criminal antecedent and he is incarcerated since 16.03.2024. The investigation of the crime is complete and petitioner undertakes that he will fully cooperate in the proceeding of the Court.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submits that apart from recovery of arms and cartridges, the petitioner is carrying six criminal antecedent over his head and, as such, he appears to be a habitual offender.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the seizure list witnesses are none else but the police personnel; the investigation of the crime is complete, coupled with the fact that



co-accused person, having identical allegation, has been allowed the privilege of regular bail in Cr. Misc. No. 52945 of 2024 vide order dated 07.08.2024. Moreover, mere antecedent of a person cannot be a sole ground to keep him behind the bar for an indefinite period, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-X, Aurangabad in connection with S.T. No. 697 of 2024 / 03 of 2024, arising out Pauthu P.S. Case No. 18 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below 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 court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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