

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61115 of 2024

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

Lalu Yadav @ Lalu Kumar Yadav Bramha Yadav @ Brahama Chaudhari
Resident of village- Khodayibari, P.S.- Hussainganj, Dist.- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Ms. Kumari Anupam, Advocate
For the State : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-12-2024 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 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Earlier, the prayer for grant of bail to the petitioner was rejected by this Hon'ble Court vide order dated 19.04.2024 passed in *Cr. Misc. No. 25016 of 2024*.

4. 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.

5. 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. Learned counsel for the petitioner further submits that charges have already been framed and two witnesses have been examined and out of them, informant has not identified this petitioner as one of the miscreant.

6. Learned A.P.P. for the State vehemently opposes the prayer for grant of bail to the petitioner 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.

7. Considering the aforesaid facts and circumstances of the case, rival submissions, nature of accusation, the fact that



informant, namely Avinash Kumar Tiwary, has not identified this petitioner as one of the miscreants and period of custody, the prayer for grant bail of to the petitioner is allowed.

8. Accordingly, let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge 2nd, Siwan, in connection with Hussainganj P.S. Case No. 25 of 2023.

(Prabhat Kumar Singh, J)

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