

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69762 of 2022**

Arising Out of PS. Case No.-61 Year-2021 Thana- ALINAGAR District- Darbhanga

LALIT YADAV S/o Vishnu Dev Yadav R/v- Kumraul, P.S.- Alinagar, District-
Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pankaj Kumar Jha, Advocate
For the Opposite Party/s	:	Mr.Ram Naresh Ray, APP
for the Informant	:	Ms. Shama Sinha, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

7 10-04-2024 Heard Mr. Pankaj Kumar Jha, learned counsel
for the petitioner, Mrs. Shama Sinha, learned counsel for the
informant and Mr. Ram Naresh Ray, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
15.06.2021 in connection with Session Trial Case No. 314
of 2021, F.I.R. dated 10.06.2021 for the offences punishable
under Sections 341, 323, 324, 325, 307, 504, 506, 34 of the
Indian Penal Code and later on Section 302 of Indian Penal
Code was added.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 23.02.2022 passed in Cr. Misc.



No. 52681 of 2021.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that as per the FIR, the petitioner no. 1 is the main assailant and his bail is rejected alongwith other co-accused persons vide order dated 23.02.2022 passed in Cr. Misc. No. 52681 of 2021. He further submits that the petitioner is languishing in custody since 15.06.2021. He further submits that the charge has been framed on 05.07.2022 but till now the trial has not concluded.

5. Vide order dated 16.01.2024, a report was called with regard to the stage of the trial. The report of the learned trial court dated 27.01.2024 reveals that out of eight chargesheet witnesses only three witnesses have been examined. He further submits that similarly situated, co-accused, namely, Lalit Yadav and Narayan Yadav have been granted bail by a co-ordinate Bench of this Court vide order dated 23.02.2022 passed in Cr. Misc. No. 52681 of 2021.

6. The learned Additional Public Prosecutor as well as learned counsel for the informant have vehemently



opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Additional District & Sessions Judge-II, Benipur, Darbhanga in connection with Session Trial Case No. 314 of 2021 arising out of Alinagar P. S. Case No. 61 of 2021, 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 court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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 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 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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