

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1196 of 2025

Arising Out of PS. Case No.-799 Year-2023 Thana- SAUR BAZAR District- Saharsa

Lalan Kumar @ Lalan Yadav Son of Late Nageshwar Yadav Village-
Bhajanpatti PS- Saur Bazar District -Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Adv.

Mr. Bhaskar Shankar, Adv.

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 07-04-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Saur
Bazar P.S. Case No. 799 of 2023 instituted for the offences
under Sections 302/34 of the Indian Penal Code and Section
27 of the Arms Act.

3. As per prosecution case, the accusation against
the accused persons including the petitioner is of being
involved in committing murder of the Informant's mother by
firing.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has committed no offence as



alleged against him and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. as the same has been registered against unknown. The name of the petitioner has surfaced in this case on the basis of the suspicion being raised by the spy. The petitioner thereafter was remanded in this case and his confessional statement was recorded before the police which has no evidentiary value in the eye of law and, except his confessional statement, there is nothing against the petitioner suggesting the petitioner to be involved in the alleged occurrence. No motive has also been assigned against the petitioner for committing murder of the deceased. In course of investigation, none of the witness has come forward to have seen the alleged occurrence. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no concern with the alleged occurrence. The petitioner has fifteen criminal antecedents and is languishing in judicial custody since 16.08.2024 without any rhymes or



reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. He further submits that the petitioner has confessed his guilt of being involved in the alleged occurrence. The Investigating Officer, after completion of investigation, has submitted charge-sheet under Sections 302, 120(B), 34 of the I.P.C. and Section 27 of the Arms Act.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, 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 Court below/concerned Court in connection with Saur Bazar P.S. Case No. 799 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.



(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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