

7IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22487 of 2025

Arising Out of PS. Case No.-185 Year-2021 Thana- NAUTAN District- Siwan

Lalu Yadav, aged about 22 years, Male, S/O Shambhu Yadav @ Shambhu Kumar Yadav, Resident Of Village - Jaijore, Post- Jaijore, P.S- Andar, Dist- Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 08-12-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Nautan P.S. Case No. 185 of 2021 registered for the offences punishable under Sections 302, 120B read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, on information, the police reached near '*Harpur Nahar Pool*' and found two persons being injured fallen, one person was found dead and the other person disclosed his name as Lalu Yadav, S/O Shankar Yadav and the name of dead person as Sikandar Yadav. He further stated that they were smuggling illegal liquor and when they reached the *Bridge* on *Scooty*, five to six miscreants



assaulted them and tried to snatch liquor, and in the meantime, a miscreant shot Sikandar Yadav dead on the spot.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the F.I.R. His name has surfaced in the present case only on the basis of his self confessional statement made before the police and except this, there is no other substantive evidence to suggest the implication of the petitioner in the present case which has got no evidentiary value in the eyes of law. There is no eye witness to the alleged offence and even the informant is not an eye witness to the alleged offence. There is no independent witness come forward to support the allegation made against the petitioner and the persons who are supporting the case of the prosecution are the interested witnesses. No incriminating article has been recovered from the conscious possession of the petitioner. The petitioner has no concern either with the business of any illicit liquor or with the deceased Sikandar Yadav but he has falsely been implicated in the present case only on the basis of his self confession. It is further submitted that there is no specific allegation of committing murder of the deceased, hence, no offence under Section 302 of the I.P.C. is made out against the



petitioner in the present case. Similarly, no offence under Section 27 of the Arms Act is made out against the petitioner in absence of recovery of any firearm or making firing. It is further submitted that the other co-accused persons, namely, Niraj Kumar Singh @ D.M. Singh, in Cr. Misc. No. 27061 of 2022 vide order dated 01.09.2022, Satyendra Yadav in Cr. Misc. No. 53601 of 2022 vide order dated 23.12.2022 and Pappu Kumar @ Pappu Yadav @ Pappu Kumar Yadav in Cr. Misc. No. 68865 of 2023 vide order dated 03.11.2023 have already been granted bail by a Bench as well as by another Co-ordinate Benches of this Court, annexed as Annexure-3 series to the present application. The petitioner has one criminal antecedent in which he is on bail as stated in paragraph no. 3 of the bail application. The petitioner is in custody since 02.01.2025.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-4th, Siwan in connection with Nautan P.S. Case No. 185 of 2021 with further condition:-



(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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