

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21619 of 2025

Arising Out of PS. Case No.-119 Year-2006 Thana- RAFIGANJ District- Aurangabad

Lalan Yadav Son of Ghanshyam Yadav Resident of Village - Amarpura, P.S. -
Rafiganj, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 23-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Rafiganj P.S. Case No. 119 of 2006 instituted for the
offences under Sections 353, 323, 427, 337, 504, 147, 148,
149 of the Indian Penal Code.

3. As per prosecution case, the accusation against
the accused persons including the petitioner is of throwing
bricks upon the Distributor Anil Jain, Magistrate Ashok Kumar
as also upon the police personnel.

4. Learned counsel for the petitioner submits that
the present case is the misuse of privilege of bail. The



petitioner was released on bail on 05.12.2008 by the learned Magistrate, Aurangabad. The petitioner's bail bond was canceled for the first time on 19.02.2018 whereafter the petitioner surrendered before the court below on 27.03.2019 and, on the same day, the petitioner was enlarged on bail and, thereafter, again the bail bond was cancelled due to non-appearance on 07.10.2023. Learned counsel for the petitioner further submits that later on, the non-bailable warrant was issued on 29.11.2023 and the process under Sections 82 and 83 of the Cr.P.C. was also issued on 07.02.2024 and 11.03.2024 respectively and, ultimately, on 20.05.2025, the petitioner was declared absconder. Learned counsel for the petitioner undertakes on behalf of the petitioner that the petitioner will appear before the learned court below as and when required by the court below. The petitioner has no criminal antecedent. Learned counsel for the petitioner has also filed supplementary affidavit stating therein that the charge has been framed against the petitioner on 08.04.2025 under Sections 147/149, 148/149, 323/149, 427/149, 337/149 and 504/149 of the I.P.C. The petitioner



has surrendered before the court below on 12.02.2025 and, since then, he is in custody.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner, the petitioner having no criminal antecedent as also taking into account the undertaking given by the learned counsel for 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 Rafiganj P.S. Case No. 119 of 2006, 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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