

FORM OF ORDER SHEET

IN THE COURT OF DISTRICT AND ADDITIONAL SESSIONS JUDGE- IIIrd, NALANDA**Present:- Ankur Gupta, District & Addl. Sessions Judge – IIIrd Nalanda at Biharsharif.****B.P. No. 1010/2026****Lago Yadav & Others V/s State of Bihar****Sarmera P.S. Case No. 38/2004**

Sl No.	Date of Proceeding	Order with the signature of the Court	Office action taken with date
1	2	3	4
	29.07.2026	Sri Kamlesh Kumar, Ld. Counsel for the petitioner/accused. Sri Amir Singh, Ld. Addl.P.P for the State. (1) This regular Bail application has been filed on behalf of the petitioner namely 1. Lago Yadav @ Ramlagan Yadav, S/o- Late Ramashish Yadav, R/o: Village- Badi Misiyan, P.S.- Sarmera, Dist- Nalanda, who is in custody in connection with Sarmera P.S. Case No. 38/2004 registered U/S- 307, 353, 34 I.P.C. & 27 Arms Act. <u>PROSECUTION CASE</u> (2) Prosecution case in brief is that on 19.06.2004 at about 6:30 A.M., the informant Satyam Kumar who was posted as S.I. in Sarmera P.S. received an information that there is firing being done between two groups in Village- Badi Misiyan. On this information, the informant went to the village with police force and on reaching there he saw three persons fleeing. He tried to chase them but they succeeded in fleeing. The villagers told the informant that some armed men had fled towards Sarmera-Mokama Road. The informant went in that direction and saw 8-10 armed men. He called additional force and proceeded to take actions against those armed men. However those persons started firing at the police party and the police force was also compelled to fire at them. Later, all those persons succeeded in fleeing and the present petitioner was identified to be one of those armed persons. <u>SUBMISSION OF THE COUNSEL OF THE PARTIES</u> (3) The learned counsel for the petitioner has prayed for bail on the	

B.P. No. 1010/2026

Lago Yadav & Others V/s State of Bihar

Sarmara P.S. Case No. 38/2004

	following grounds: ● That the petitioner is innocent and has been falsely implicated in this case. ● That earlier no bail petition either anticipatory or regular has been filed either before this Court or any higher court. ● That the petitioner has got no criminal antecedent. ● That the petitioner is in custody since 04.07.2026. ● That the sections invoked are not applicable against the petitioner. ● That other accused persons has been granted bail vide B.P. No. 747/2007 and the case of the present petitioner is on similar footing. ● The Chowkidar and the informant have given the name of the petitioner due to previous enmity. (4) On the other hand, the learned APP has vehemently opposed the bail petition and has submitted that the offences are serious in nature and therefore the petitioner does not deserve the privilege of bail. <u>MATERIAL ON RECORD AND FINDINGS</u> (5) From the perusal of the record, it is evident that the occurrence had taken place in the year 2004 and the petitioner remained absconding since then. The informant and witnesses have supported the prosecution case and named the present petitioner as one of the accused persons who had fired on the police party. The offence is serious in nature and the petitioner has evaded his presence in the case since 2004 and was arrested in pursuance of process u/s. 83 Cr.P.C. issued by the Court. His constant evasion to appear before the Court for 22 years makes his case different from that of co-accused who was granted bail in 2007. (6) Considering that the petitioner is alleged to have fired at police personnel and was arrested after 22 years of occurrence when process u/s. 83 Cr.P.C. was issued against him, I am not inclined to grant the	
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Schedule XLII-High Court (J) 9a [Old (M) 164.]

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	bail to the petitioner. Accordingly, the bail petition is rejected. Copy of order be sent to the Ld. Concerned Court. Order be uploaded on CIS. (Dictated & Corrected) (Ankur Gupta) District & Additional Sessions Judge-III Nalanda, Bihar Sharif <table border="1" style="margin-left: auto; margin-right: auto;"><tr><td>Date of Judgment/Order</td><td>29.07.2026</td></tr><tr><td>Date of Reserving Judgment/Order</td><td></td></tr><tr><td>Uploading date</td><td>30.07.2026</td></tr><tr><td>Uploaded by</td><td>Kanchan Kumari</td></tr></table>	Date of Judgment/Order	29.07.2026	Date of Reserving Judgment/Order		Uploading date	30.07.2026	Uploaded by	Kanchan Kumari	
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