

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5429 of 2015

Arising Out of PS.Case No. -453 Year- 2014 Thana -LAKHISARAI
District- LAKHISARAI

Arvind Kumar Son of -Uma Shankar Singh Resident of Village-Katehar,
P.S- Surajgarha, District- Lakhisarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.10892 of 2015

Arising Out of PS.Case No. -453 Year- 2014 Thana -LAKHISARAI
District- LAKHISARAI

Anil Kumar son of Suresh Ram Resident of Village- Samo Khurha, P.S.
Samo, District- Begusarai

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.5429 of 2015)

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr. Anil Kumar, APP

(In Cr.Misc. No.10892 of 2015)

For the Petitioner/s : Mr. Naresh Chandra Verma, Adv.

For the Opposite Party/s : Mr. Mustaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

4 29-04-2015 Heard both sides.

The petitioners (Arvind Kumar and Anil Kumar) seek bail
in Lakhisarai P.S. Case No. 453 of 2014, registered for the offences
punishable under Section 302 and other Sections of the Indian Penal
Code and 27 of the Arms Act.

The informant (Police Officer) stated in his fardbeyan that
he got information that one person is killed near the gate of Civil Court,



Lakhisarai. The informant went there and found that one Sanjay Singh was injured. The informant got information that accused persons were fleeing away on a Bolero bearing Registration no. BR-53A/2067 towards the turning of Jamui. On chase, the vehicle was found and the accused persons were fleeing away in which two accused persons, namely, Anil Kumar (the petitioner) and Saroj Paswan were apprehended. Anil Kumar disclosed that the petitioner Arvind Kumar was driving the vehicle and he managed to flee away. The two apprehended accused persons did not disclose the name of two other criminals who managed to flee away.

Sri Hare Krishna Kumar, learned counsel appearing on behalf of the petitioner Arvind Kumar submits that except the disclosure made by the apprehended accused, there is no material on record to show that the petitioner (Arvind Kumar) was driving the vehicle.

It has come that the vehicle belongs to one Sonu Kumar and all the papers of the vehicle stand in the name of Sonu Kumar, but the Investigating Officer did not find out the name of the driver of the vehicle.

Sri Natraj Verma, learned counsel appearing on behalf of Anil Kumar submits that nothing has been recovered from the possession of the petitioner (Anil Kumar). He had gone to the place of his relation, there was chaos and commotion. The petitioner (Anil Kumar) was apprehended.

On perusal of the record, it appears that the petitioner Anil Kumar and Saroj Paswan were apprehended by the police and they disclosed the name of Arvind Kumar as a driver but they did not disclose the name of other two accused persons. Except the disclosure made by the accused, the police did not collect any material to show that the petitioner Arvind Kumar was driving the vehicle.

The petitioner Arvind Kumar has got no criminal antecedent.

Considering the facts aforesaid, the petitioner Arvind Kumar is directed to be enlarged 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 Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S. Case No. 453 of 2014.

So far as the case of Anil Kumar is concerned, he and Saroj Paswan was apprehended on chase while they were fleeing along with other accused persons after killing Sanjay Singh near the gate of Civil Court, Lakhisarai, I am not inclined to enlarge the petitioner (Anil Kumar) on bail. Accordingly, the same is rejected.

The trial court is directed to expedite the trial and conclude the same within one year from the date of receipt of this order.

(Prabhat Kumar Jha, J.)

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