

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23052 of 2016

Arising Out of PS.Case No. -93 Year- 2011 Thana -SARMERA District- NALANDA
(BIHARSHARIFF)

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Lakhan Kumar S/o Ayodhya Prasad, R/o village Gopalabad, P.S. Sarmera,
District-Nalanda

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Parmanand Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL ORDER

5 16-08-2016 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Sarmera Police Station Case No. 93 of 2011, disclosing
offence under Section 302/34 of the Indian Penal Code.

It is alleged that in the game cricket, the deceased had
picked up some altercation with one Lakhan (father's name not
mentioned), when Lakhan is said to have assaulted on his head, by
means of wicket, causing fracture and internal injury on his head.
The occurrence had taken place on 31.10.2011. The deceased died
three days, thereafter, in course of treatment on 03.11.2011.

Learned Senior Counsel appearing on behalf of the
petitioner has submitted that the father's name of the petitioner
was not mentioned in the First Information Report. The petitioner



is an employee, serving under Central Government and way back, in the year 2011, the informant had filed a petition in the court of Chief Judicial Magistrate, Nalanda at Biharsharif, to the effect that the petitioner, son of Ayodhya Prasad, was not even playing cricket on the date of occurrence and has specifically said that the petitioner was not involved in commission of offence of any nature. He has also submitted that the petitioner being an employee of public sector undertaking, there is no likelihood that he shall flee from investigation or trial. According to him, if privilege of anticipatory bail is not granted to him, he may suffer serious consequences in his employment.

Considering the nature of the accusation against the petitioner and submission as noted above, this application is allowed.

Let the petitioner, Lakhan Kumar, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Nalanda at Biharsharif, in connection with Sarmera Police Station Case No. 93 of 2011, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

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