

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.40124 of 2016**

Arising Out of PS.Case No. -135 Year- 2015 Thana -UJIYARPUR District- SAMASTIPUR

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Lakshman Rai @ Ram Lakshman Rai @ Laxman Rai @ Ram Laxam Rai,  
S/o Late Shiv Narayan Rai, resident of village Jitwarpur Bharpura Tole,  
P.S. Muffasil Dist- Samastipur.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

4 30-11-2016

Heard learned counsel for the petitioner and  
learned APP for the State.

Petitioner is languishing in custody since  
07.08.2015 in connection with Ujiyarpur P.S. Case No. 135/15 for  
offences punishable under Sections 414, 353, 307, 34 of the Indian  
Penal Code and under Sections 25(1-B) A 26, 27, 35 of the Arms  
Act.

The prosecution case, as lodged by the police, is  
that on a tip off they reached the place of occurrence and found  
four persons in two motorcycles. On suspicion, the police party  
chased them and apprehended the petitioner, who disclosed the  
name of his accomplice. From the possession of the petitioner one  
pistol and four live cartridges were found. The motorcycle so

seized also had a tampered name plate and it was suspected that it was a stolen motorcycle.

It has been submitted by the learned counsel for the petitioner that he is innocent and no overt act has been committed by him. He submits that out of four cases pending against him, in one case he is on bail, in the second case he is acquitted and in rest two, although he has stated that they are pending for cognizance, but he submits that in the other two also he is on bail. It is submitted that the charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

From the materials available, it does not reveal that petitioner's liberty on bail would adversely affect his trial, hence, in the interest of justice, let petitioner, above named, 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 learned Assistant Sessions Judge, Dalsingsarai S.M.P. at Samastipur, in connection with S.T. No. 610/15, arising out of Ujiyarpur P.S. Case No. 135/15.

This direction of bail is further subject to the condition that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear before the learned Court below as and when directed.

With these observations and directions, the application stands allowed.

**(Nilu Agrawal, J.)**

Rajesh/-

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