

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56256 of 2015

Arising out of PS.Case No. -428 Year- 2015 Thana -LAKHISARAI District- LAKHISARAI

Rajesh Kumar @ Rajesh Yadav, Son of Mahendra Prasad Yadav, resident of Village- Mohanpur, P.S. Dharhara, District- Munger. At present residence of village- Kiul Basti, P.S.- Lakhisarai, District- Lakhisarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Suresh Singh, Advocate.

For the Opposite Party : Mr. Sanjay Kumar Sharma (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 08-03-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Lakhisarai P.S. Case No. 428 of 2015 for the offences instituted under Sections 302, 379, 120(B) of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that the deceased Ganesh Kumar, son of the informant, used to deal the business of land purchase and sale. On 14.06.2015 the deceased was called for Panchayat. Thereafter he went to attend the Panchayat. Subsequently, on information that the son of the informant was killed at Sansar Pokhar, the informant alongwith his family



members and villagers arrived there. It is also alleged that there was land dispute between the deceased and petitioner and others for which Lakhisarai(Kabaiya) P.S. Case No. 280/2012 was also lodged against Om Prakash Gupta and others. The judgment and decree were also passed in favour of the deceased. The informant claimed that the petitioner and others killed the deceased. The petitioner and others were also seen towards the west from the place of occurrence soon after the occurrence. The petitioner and others also took away the motorcycle of the deceased.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner has been named in the present case merely on the basis of suspicion. There is admitted land dispute between the parties. From perusal of the confessional statement of the co-accused Navin Soni it would appear that the petitioner has not been named by him nor the petitioner has been named by the other co-accused in his confessional statement i.e., by Viveka Nand Vivek @ Vicky Kumar.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his

arrest or surrender before the learned court below within a period of six weeks from today in connection with Lakhisarai P.S. Case No. 428/2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Lakhisarai, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)