

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40036 of 2018

Arising Out of PS. Case No.-158 Year-2018 Thana- GAYA KOTWALI District- Gaya

MAHANTH LAKHAN DAS @ LAKHAN DAS S/o- Late Jamuna Das, R/o-
At & P.O.- Pakki Sangth, P.S.- Buniyadganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Singh
For the Opposite Party/s : Mr. Sri Murlidhar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 06-09-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks Anticipatory bail in connection with Kotwali P.S. Case No. 158 of 2018 registered under Sections 302, 34 and 120(B) of the Indian Penal Code and 27 of the Arms Act.

Informant is the brother in law of deceased, who in his written complaint has stated that on 21.03.2018 in the evening at about 5.45 PM he was in the shop of his Bahnoi Md. Shamim, two unknown boys came there and threatened his Bahnoi not to interfere in the land matter of Jahangir and Mahanth Lakhan Das, otherwise he will have to face dire consequences. At about 9.00 PM he got information that when his Bahnoi was returning home from the shop, in the way he was shot and was



taken to the Hospital where he was declared brought dead.

It has been submitted on behalf of the petitioner that petitioner is innocent and has been falsely implicated in this case. Informant is not the eye witness of the occurrence and merely on suspicion, petitioner has been implicated in this case. A title suit is going on between the deceased and Jahangir. Petitioner has got no concern with the same. Similarly placed co-accused person, namely, Sanjay Das @ Sanjay Kumar Das has been granted bail by a co-ordinate Bench of this Court vide order dated 24.07.2018 passed in Cr. Misc. No. 35113 of 2018.

Considering the facts and circumstances of the case, prayer of Anticipatory bail is allowed and petitioner named above in the event of arrest or surrender before the court below within four weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Gaya, in connection with Kotwali P.S. Case No. 158 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(S. Kumar, J)

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