

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 24532 of 2019

Arising Out of PS Case No.-71 Year-2018 Thana- SIKARHATTA District- Bhojpur

=====

Lachchuman Singh, aged about 35 years, Male, Son of Sheo Bachan Singh
Resident of Village- Lachchidih, Police Station- Imadpur, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Binod Bihari Singh, Advocate
For the State : Mr. Anuj Kumar Shrivastava, APP

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 13-08-2019

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

2. The petitioner apprehends arrest in Sikarahata PS
Case No. 71 of 2018 dated 27.09.2018 instituted under Sections
147, 148, 149, 302, 307, 326, 120B and 427 of the Indian Penal
Code and 27 of the Arms Act.

3. The allegation against the petitioner and four others is
of indiscriminate firing on the deceased and the informant as well
as the other person.

4. Learned counsel for the petitioner submitted that the
allegation was that the petitioner, along with four others, who are
all family members, had initially demolished the market complex



of the informant the previous night and when in the morning about 40-50 villagers had come to witness the site, they opened indiscriminate firing resulting in a person dealing in wood being shot in the waist who later died and the informant being hit on the palm and the other person being hit in the waist. It was submitted that there is specific allegation against co-accused Lal Bihari Singh of such firing. Learned counsel submitted that the story is hard to believe for the reason that if the petitioner was involved in the demolition of the market complex in the night then he would not have come in the morning and opened fired on villagers as the purpose was already served with demolishing the market complex. It was further submitted that during investigation, none of the witnesses have stated with regard to them identifying the petitioner or the other co-accused of having fired.

5. Learned APP, from the case diary, does not controvert the fact that there is no specific overt act of firing on behalf of the petitioner.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.15,000/- (fifteen thousand) with two sureties of the like



amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in Sikarahata PS Case No. 71 of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The case diary be returned forthwith.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	
T	

