

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30048 of 2019

Arising Out of PS. Case No.-469 Year-2017 Thana- LAKHISARAI District- Lakhisarai

SUMAN SHEKHAR Son of Hira Sao @ Hiralal Shah, Resident of Village-
Naya Bazar, Lakhisarai, Ward No. 27, P.S.- Kathaiya, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 13-05-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 302/34 IPC registered in connection with Lakhisarai (Kathaiya) P.S. Case No. 469 of 2017.

3. It is submitted that the petitioner has been falsely implicated and in any event the specific accusation of firing on the informant's son is on co-accused Vicky Kumar. The accusation that two persons including the petitioner caught hold of the deceased is general and omnibus and mere embellishment. The petitioner had not been chargesheeted initially but supplementary chargesheet was submitted in February, 2019 against the petitioner. Similarly situated co-accused Heera Sao has since been acquitted by judgment dated 27.02.2019 in Sessions Trial No. 75 of 2018. It is evident from the said judgment of acquittal that the informant himself and so also other prosecution witnesses had turned hostile and did not support the prosecution case. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be



released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge, Lakhisarai, in connection with Lakhisarai (Kathaiya) P.S. Case No. 469 of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioner.
- ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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