

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 75292 of 2019

Arising Out of PS Case No.-64 Year-2019 Thana- BUXAR District- Buxar

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Lakki Yadav @ Amit Kumar, aged about 27 years (M), Son of Hardev Singh @ Hardev Yadav Resident of Village-Musafirganj, Bajar Samiti Road, Buxar P.S.-Buxar (Town), District-Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate
For the State : Mr. Bal Mukund Prasad Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 26-11-2019

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

2. The petitioner seeks bail in connection with Buxar(T) PS Case No. 64 of 2019 dated 26.01.2019 instituted under Sections 147, 148, 149, 302 of the Indian Penal Code and 27 of the Arms Act.

3. The allegation against the petitioner, who is not named in the FIR, is of firing, along with others, on the son of the informant leading to his death.

4. Learned counsel for the petitioner submitted that the informant has taken specific name of 11 persons who are said to be carrying fire arms and had fired on the son of the deceased



leading to his death. It was submitted that later on, one of the named accused had also assigned role to the petitioner in the incident which is totally untenable as the said confession has been made before the police which has no evidentiary value. It was further submitted that though the petitioner has two criminal antecedent but not under Section 302 of the Indian Penal Code. Learned counsel submitted that he is in custody since 02.09.2019 and similarly situated co-accused Mukesh Kumar has been granted bail by order dated 20.05.2019, by a co-ordinate Bench in Cr. Misc. No. 33215 of 2019.

5. Learned APP submitted that the petitioner has criminal antecedent and the named accused has taken his name and, thus, he cannot contend that he is innocent.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in Buxar (Town) P.S. Case No. 64 of 2019.

7. One of the bailors shall be a close relative of the petitioner. 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 trial 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 application stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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