

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.73422 of 2018**

Arising Out of PS. Case No.-704 Year-2017 Thana- BIHTA District- Patna

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Lalu Kumar @ Lalu Mahto @ Mithun Verma @ Mithun Son of Dwarika Mahto @ Dwarika Verma, resident of Village- Srichandpur, Police Station- Bihta Neora, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Sanjana  
For the Opposite Party/s : Mr.Upendra Kumar

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

5      18-01-2019                      Heard learned counsel for the petitioner, learned APP  
for the State and learned counsel for informant.

The petitioner seeks bail in connection with Bihta P.S.  
Case No. 704 of 2017 instituted for the offence under Section(s)  
326/302/120(B)/34 of the Indian Penal Code and Section 27 of  
the Arms Act.

Learned counsel for petitioner submits that petitioner  
is in custody since 18.5. 2018. Learned counsel further submits  
that petitioner is not named in the written report. No TIP has



been held. There is no recovery of any incriminating article from possession of this petitioner. The name of this petitioner has come in this case on the basis of confessional statement of co-accused, namely, Akshay Kumar, Shankar Kumar Chaudhary, Vishal Ram and Sabir @ Jahid @ Tanvir. It has further been submitted that from the confessional statement it will appear that they have not attributed any specific allegation of overt act against this petitioner in committing the aforesaid murder. It is further pointed out that other co -accused, namely, Pankaj Kumar Phakkar @ Pankaj Kumar @ Phakkar with similar allegation has been granted regular bail by this Hon'ble Court by order dated 5.10.2018 passed in Cr. Misc. no. 50443 of 2018.

Learned counsel for the informant has appeared and opposed the prayer for bail. He submits that petitioner is accused in Bihta P.S. case no. 593 of 2017, but this fact has been suppressed by the petitioner in paragraph no.3 of the bail petition.

A supplementary affidavit has been filed on behalf of the petitioner stating therein in paragraph nos. 3 and 4 that non mentioning of the aforesaid case in para 3 of the bail petition was neither deliberate nor intentional. It has further been submitted that petitioner has neither been remanded in the aforesaid case till date nor any requisition for issuance of



process has been filed by the Investigating officer of the aforesaid case. The petitioner as well as his pairvikar were not aware about the aforesaid case.

The counsel for the informant was given time to file rejoinder on 15.01. 2019 but no rejoinder has been filed till date.

From perusal of the supplementary affidavit filed on behalf of the petitioner, it appears that non mentioning of the aforesaid case in para 3 of the bail petition was neither deliberate nor intentional in the circumstances mentioned in para 3 of the supplementary affidavit.

Considering the aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XI, Patna in connection with Bihta P.S. Case No. 704 of 2017 (S.T. No. 81 of 2018), subject to the condition that both the bailors shall be the close relative of the petitioner with further condition:

(I) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates  
without valid reason, his bail bonds will liable to be cancelled.

**(Sanjay Priya, J)**

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