

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14991 of 2021

Arising Out of PS. Case No.-114 Year-2020 Thana- BAKHTIYARPUR District- Patna

Lutan Singh @ Lutan Yadav, S/O Late Yugeshwar Yadav, R/O Village-
Champapur, P.S-Bakhtiyarpur, District-Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-07-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects as pointed out by the office within four weeks of normal functioning of the court, failing which the office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 326, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case, in brief is that on 21.04.2020 he was standing at his terrace after taking food. In the meantime, accused persons including the petitioner arrived there with weapons and pistols and they were knocking his door. Further, they have stated that if you not opened the door, then they will



kill me. He did not open the door due to fear thereafter, they have started firing, which caused injury in his right hand arms thereafter, he fell down. The villagers brought to him at P.H.C., Bekhtiyarpur for treatment.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is general and omnibus allegation against the petitioner and other accused persons. There is no specific overt act against him. The petitioner is languishing in judicial custody since 30.09.2020. The petitioner has got 05 criminal antecedent which is mentioned in para 3 of the bail petition.

Learned APP for the State opposes the prayer for bail of the petitioner.

Considering the general and omnibus allegation against the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Bakhtiyarpur P.S. Case No. 114/2020 to the satisfaction of learned Court below where the case is pending/ successor court; subject to the following conditions:

- (1) that one of the bailors will be a close relative



of the petitioner, who will be given an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) 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.

(Anjani Kumar Sharan, J)

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