

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18051 of 2021**

Arising Out of PS. Case No.-434 Year-2020 Thana- LAKHISARAI District- Lakhisarai

SUMIT KUMAR @ SANNY Son of Mohan Prasad Mehta Resident of
Village - Naya Bazar, Kabaiya Road, Ward no.25, P.S.- Kabaiya, Distt.-
Lakhisarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar, Advocate

For the Opposite Party/s : Mr. Vijay Kumar, Advocate

For the State : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 04-08-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

Petitioner in the present case is seeking regular bail in
connection with Lakhisarai (Ramgarh Chowk) P.S. Case No.
434/2020 registered for the offences punishable under Section 302,
120(B0/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution story, the informant Vimla Devi
stated that on 25.08.2020, she received information that her husband
was shot dead near at Jhulauna, On this information, informant with
others reached at the Sadar Hospital Lakhisarai and have seen her
husband's dead body. It is alleged that there was a land dispute
between the parties. Informant has alleged that the named accused
persons and some unknown accused have made conspiracy and killed
her husband.

Learned counsel for the petitioner submits that the name

of the petitioner has been brought on mere suspicion in connection with the present case.

Learned A.P.P. for the State as well as learned counsel for the informant have though opposed the prayer for regular bail of the petitioner but submits that except that petitioner was found talking to the co-accused over mobile no other material has come against him and the accused similarly situated Bharat Modi and Rahul Kumar have been granted bail by learned coordinate Benches of this Court.

Considering the facts and circumstances of the case in the nature of the materials placed before this court and the case of the petitioner having been found similarly situated to the co-accused who have been granted bail by learned coordinate Bench of this court, petitioner has otherwise no criminal antecedent and has remained in custody in connection with the present case since 20.09.2020, investigation against him is complete, but the trial is not likely to take place in near future, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge – II, Lakhisarai in connection with Lakhisarai (Ramgarh Chowk) P.S. Case No. 434/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.