

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19390 of 2021**

Arising Out of PS. Case No.-27 Year-2017 Thana- AKBARPUR District- Nawada

Laukesh Singh @ Feku Singh Son of Ravindra Singh R/o Village- Gangta,
P.S.- Akbarpur, District- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar,Advocate
For the State	:	Mr.Akhileshwar Dayal,APP
For the Informant	:	Mr.Rajesh Ranjan Kumar,Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-07-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned counsel for the informant and Mr. Akhileswar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Akbarpur P.S. Case No. 27 of 2017 registered for the offences punishable under Sections 147, 148, 149, 341, 307, 302, 504 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, while the informant along with his uncle was returning to his village, altogether 9 named accused persons surrounded them, this petitioner is said to have caught hold of



the uncle of the informant and pulled him down from his bicycle, the co-accused Kaushal Singh fired upon the uncle of the informant who fell down on the place of occurrence. It is alleged that the accused persons attempted to kill the informant also, in the meantime, co-villagers who were returning through that way reached and on seeing them the accused persons fled away.

Learned counsel for the petitioner submits that this is a case in which with the help of Section 149 IPC a large number of persons have been named in the FIR with sole intention to falsely implicate in the present case. So far as this petitioner is concerned, he is not an assailant and the specific allegation of firing upon the uncle of the informant is against co-accused Kaushal Singh.

Learned counsel further submits that this petitioner has though two criminal antecedents one of which is under the Excise Act, he is on bail in both the cases.

On the other hand, learned APP for the State and learned counsel for the informant have opposed the prayer for regular bail of the petitioner alleging that this petitioner was among the 9 named accused persons who were present at the place of occurrence and this petitioner had allegedly pulled



down the uncle of the informant from his bicycle.

Considering the facts and circumstances of the case wherein the overt act of firing has been specifically attributed against co-accused Kaushal Singh and no overt act has been alleged against this petitioner, the petitioner is in custody in connection with the present case since 19.09.2020, 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 bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge IV, Nawada in connection with Akbarpur P.S. Case No. 27 of 2017, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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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'.

