

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21323 of 2021

Arising Out of PS. Case No.-35 Year-2019 Thana- KARAMCHAT District- Kaimur (Bhabua)

Lakki Kumar Singh @ Ashish Singh S/O Dhananjay Singh R/O Village
Siswar P.S- Karamchat, District Kaimur (BHABUA)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Krishna Prasad Singh, Sr. Advocate
For the Informant	:	Mr. Amrendra Narayan, Advocate
For the Opposite Party/s	:	Mr. APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-11-2021 Heard Shri Krishna Prasad Singh, learned senior
counsel for the petitioner, Shri Amrendra Narayan, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner is seeking regular bail in connection
with Karamchat P.S. Case No. 35 of 2019 instituted for the
offences under Sections 302 and 201 of the Indian Penal Code
and Section 27 of the Arms Act.

Learned senior counsel for the petitioner submits that
from bare perusal of the allegation as alleged in the F.I.R. it
would manifest that the informant had alleged that an
information was received that an unidentified dead body of
young boy has been thrown on the bank of river *Tendua* and the
boy has been murdered by firearm. Thereafter, the police



recovered the dead body and sent the same for post-mortem after preparing the inquest report.

The learned senior counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The petitioner is not named in the F.I.R. and his name transpired during the course of investigation. In course of investigation, the father of the deceased was examined who had disclosed the name of this petitioner as per his statement it is a case of last seen. Further, the learned senior counsel submits that it has been specifically stated at paragraph '7' that the F.I.R. was lodged on 05.08.2019 and on the same day the dead body was identified as Prakash Pandey by the deceased parents but their statement was recorded on 28.09.2019 in which they named four persons including the petitioner as such it is submitted that if the petitioner had really been involved in the case then the parents of the deceased would at the very first instance have disclosed this fact to the police when they had identified the body on 05.08.2019.

Learned senior counsel further submits that similarly situated co-accused Shashank Kumar Singh @ Sagar Singh has been granted anticipatory bail by order dated 18.06.2020 in Cr. Misc. No. 1040 of 2020 and the petitioner is in custody since



08.12.2020 and the charge-sheet has been submitted in the case.

Learned counsel for the informant opposes the bail application of the petitioner and submits that the name of this petitioner was disclosed by the parents of the deceased. On query of the Court as to whether the allegation as alleged against this petitioner and the one who has been granted bail by this Court is similar or not, the learned counsel for the informant fairly submits that they are similarly situated in the sense that their name transpired during the course of investigation. Further, the learned counsel for the informant very fairly submits that though the name was disclosed by the parents after more than a month and a half but since they were not in proper frame of mind as such they could not disclose the name at the first instance. On this the learned senior counsel submits that had the petitioner been really involved in the occurrence, no parent would have waited for so long for disclosing the name of the assailant of their son.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 08.12.2020, charge-sheet has been submitted and co-accused has been granted bail as aforesaid, let the petitioner



above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned J.M., 1st Class, Kaimur at Bhabua in connection with Karamchat P.S. Case No. 35 of 2019 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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