

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23135 of 2021

Arising Out of PS. Case No.-93 Year-2020 Thana- BARIYARPUR District- Munger

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LAKHI KUMAR SON OF LATE PRAMOD MANDAL RESIDENT OF
VILLAGE- MASAUTHA L.P.S.- SAMBHUGANJ, DISTRICT- BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shivendra Kumar Sinha, Adv.
Mr.Ranjeet Patel, Adv.
For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-10-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Bariyarpur
P.S. Case No.93 of 2020, registered for the offence punishable
under Sections 302, 379/34 of the Indian Penal Code.

The prosecution case in short is that son of the
informant was found lying in unconscious condition at
Sambhuganj More, from there he was taken to hospital and
during course of treatment he died. It is alleged that while the
informant's son (deceased) was returning from his sister's
house, petitioner and other accused persons snatched the
motorcycle, gold chain, cash and mobile from him and
administered him poisonous material.



It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence as alleged has ever taken place. From the perusal of FIR, it is clear that informant is not an eye witness to the occurrence. Petitioner has been falsely implicated in the present case as the informant has only raised suspicion about the complicity of the petitioner and other accused. There is no specific overt act upon the petitioner rather the allegations are general and omnibus in nature. Similarly situated co-accused Rakesh Sah @ Sikka Sah @ Rakesh Kumar has been granted bail vide order dated 21.09.2021 passed in Cr. Misc. No.37514 of 2021 and co-accused Chintu Kumar and Pradeep Mandal @ Buddhu Mandal have been granted bail vide order dated 05.10.2021 passed in Cr. Misc. No.27555 of 2021 by co-ordinate Benches of this court. The petitioner has no criminal antecedent and has been languishing in custody since 24.12.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, since similarly situated co-accused have been granted bail, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five



Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate 2, Munger, in connection with Bariyarpur P.S. Case No.93 of 2020.

(Anjani Kumar Sharan, J)

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