

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30100 of 2021**

Arising Out of PS. Case No.-4 Year-2020 Thana- SIKARHATTA District- Bhojpur

LAVKUSH RAI S/O- Laxman Ray R/O Village - Koyal, P.S. Charpokhari,
District - Bhoupur at Ara.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 25-11-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Sikrahta P.S. Case No. 04 of 2020 registered for the offence under Sections 302 and 34 of the Indian Penal Code and Section and Section 27 of the Arms Act.

According to the prosecution, when the informant was returning to his house along with his father, six persons including the petitioner came and started assaulting him and on order of one Kamta Pandey, two co-accused, Satesh



Kumar Pandey and Deepak opened fire resulting into the death of the father of the informant.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to dirty village politics. Although the petitioner has been named in the F.I.R. but no specific allegation of assault or firing is attributed to him. Moreover, the co-accused, namely, Kamta Pandey and Saleshe Kumar Pandey, have already been granted bail by a co-ordinate Bench of this Court vide order dated 02.12.2020 passed in Cr. Misc. No. 29000 of 2020. The petitioner is rotting in judicial custody since 24.12.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-8th, Bhojpur at Ara in connection with Sikrahta P.S. Case No. 04 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall



be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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