

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38640 of 2021

Arising Out of PS. Case No.-157 Year-2016 Thana- MAHUA District- Vaishali

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LAKHAN RAI @ LAKHAN RAY S/O LATE SHYAM SUNDAR RAI R/O
VILLAGE-ALIPUR MUKUND, P.O-HASANPUR BHADBAS, P.S-
MAHUA IN THE DISTRICT-VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar
For the Informant	:	Mr. Shakil Ahmad Khan
For the State	:	Mr. Nand Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-12-2021 Heard learned counsel for the petitioner and

learned counsel for informant who has appeared along with

learned APP for the State.

This Court would expect that the petitioner's
counsel would honour his undertaking in the instant proceedings
regarding supply of requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Mahua P.S.
Case No. 157 of 2016 registered under Sections 147, 148, 149,
302 and 307 of the Indian Penal Code and Section 27 of Arms
Act.

Informant's son has been surrounded by 13 accused
persons including the petitioner and thereafter it is alleged that



co-accused Ajay Rai indiscriminately fired upon the son of the informant.

Learned petitioner's counsel submits that the petitioner has been made an accused in this case as an after thought because of his relationship with the other accused persons. He is an elderly person aged about 80 years old and has no connection with the occurrence. Other co-accused Md. Firoj and Punit Singh have been allowed bail in Cr. Misc. Nos. 73241/2019 and 38242/2020 respectively. Petitioner is stated to be on bail in Mahua. P.S. Case No. 346/2009. In the instant case, petitioner is in jail since 30.1.2021.

Learned counsel for Informant and APP have opposed the prayer.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in Mahua P.S. Case No. 157 of 2016, subject to the following conditions:-



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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