

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31316 of 2020**

Arising Out of PS. Case No.-78 Year-2020 Thana- BAGENGOLA District- Buxar

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LAKHICHANDRA RAM @ LAKHICHAND RAM @ LAKHI CHAND
SHASTRI S/o Fudur Ram Resident of Village- Bhadawar, P.S.- Bagengola,
District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Yadav, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 08-01-2021 Heard learned Counsel for the petitioner and the learned
Counsel 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 apprehends arrest in Bagengola PS Case No. 78 of 2020 registered under Sections 147, 148, 149, 341, 323, 447, 504 of the IPC and Section 27 of the Arms Act.

The brief allegation is that all the accused persons, including the petitioner, came at the house of the informant, armed with lathi, rifle etc. and have assaulted by various means. There is allegation of firing upon the informant and his family members.

Learned Counsel for the petitioner submits that the petitioner is a Teacher in the Middle School. The parties are related and there is dispute based on rival claims to certain land in respect of which Title Suit No. 100 of 2017 is pending. None from the side of prosecution has sustained any injury in the occurrence and in fact the



petitioner's daughter has sustained some injury in the scuffle which has taken place in view of subsisting land dispute. The petitioner has no criminal antecedent.

Learned Counsel for the informant and the learned APP for the State have opposed the prayer for anticipatory bail. It is submitted that specific allegation of firing upon the informant and therefore the petitioner should not be allowed anticipatory bail.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

Accordingly, let the petitioner above named, in the event of arrest or surrender before the court below within four weeks from today, 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 CJM Buxar in Bagengola PS Case No. 78 of 2020 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also 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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