

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35275 of 2020

Arising Out of PS. Case No.-167 Year-2020 Thana- LAKHISARAI District- Lakhisarai

MANISH KUMAR Son of Late Sunil Singh Resident of Village- Walipur,
Police Station- Piparia, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Adv.
For the Opposite Party/s : Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-01-2021 Heard the learned counsel for the petitioner
and the learned APP for the State, Sri Ashok Kumar.

The petitioner seeks regular bail in connection with Lakhisarai P.S. Case No. 167 of 2020, registered for the offence punishable under Sections 302/120B, 34 of the Indian Penal Code and Sections 25(1-b)a/26(i), 27 of the Arms Act.

Prosecution case is that the informant's father has been shot at by named accused persons who came on Pulsar motorcycle.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is



having a clean antecedent and he is languishing in custody since 19.06.2020. The learned counsel for the petitioner has further submitted that the petitioner is not one of the three persons, who have been named in the FIR and are alleged to have fired on the deceased. The informant as well as father of deceased are accused mentioned in several cases and the enmity of the deceased with accused persons have been highlighted by the prosecution, with which the petitioner has no concern. It is further submitted that the petitioner has been falsely implicated in the present case on account of the confessional statement made by the co-accused person, namely, Rahul Yadav and the petitioner , which in any view of the matter, has got no evidentiary value in the eyes of law. It is further submitted that similarly situated co-accused persons have already been granted bail by coordinate Benches of this Court vide orders dated 13.10.2020 and 22.12.2020, passed in Criminal Miscellaneous No. 26315 of 2020 and Criminal Miscellaneous No. 33881 of 2020.



Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the parity of the case of the petitioner with that of the co-accused persons, who have already been granted bail by coordinate benches of this Court, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S. Case No. 167 of 2020.

(Mohit Kumar Shah, J)

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