

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39165 of 2020

Arising Out of PS. Case No.-35 Year-2020 Thana- PIPRIYA District- Lakhisarai

RIKESH KUMAR Son of Rambalak Singh Resident of Village - Dunhi, P.S.-
Garhpura, District - Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Braj Bhushan Poddar,Advocate

For the Opposite Party/s : Mr.Dinesh Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 05-04-2021 Heard learned counsel for the petitioner and Mr.
Dinesh Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Lakhisarai Pipariya P.S. Case No. 35 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 302 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that from the First Information Report itself it would appear that the petitioner is not named in the First Information Report. The four persons against whom there are allegations of firing upon the deceased are namely Prem Kumar, Gopal Kumar, Abhimanue Kumar and Shubham Kumar. They had fired on the deceased on the direction of co-accused Sankar Singh and Parmeshwari Singh. In the FIR, the informant who is father of the deceased



has claimed that his daughter had gone to purchase vegetable near the place of occurrence and she had seen the alleged occurrence.

So far as this petitioner is concerned, in course of investigation his name has been brought saying that he was seen on the motorcycle.

Learned counsel submits that the petitioner is brother-in-law of the co-accused Parmeshwari Singh, therefore, had he been there at the time of alleged occurrence he could have been easily identified by the daughter of the informant but in the FIR the name of the petitioner is not there. He has been falsely implicated in this case and further he has got no criminal antecedent.

It is further submitted that in connection with the present case petitioner has remained in jail since 24.05.2020 and if released on bail there is no chance of tampering with the evidence or interfering with the course of trial.

Learned APP for the State has, after going through the case diary, opposed the prayer for bail of the petitioner, however, it is not controverted that the petitioner is not named in the FIR and his name has transpired in course of investigation after some time as a person who was sitting on the motorcycle.



No overt act has been alleged against him.

In the facts and circumstances stated hereinabove, considering the aforesaid aspects of the matter wherein the petitioner is not named in the FIR and there are specific allegations of firing against the other co-accused, the investigation against the petitioner is complete and at this stage there is no submission of the State that his release is likely to result in tampering with the evidence or interfering with the course of trial and otherwise the petitioner has no criminal antecedent, this Court directs release of the petitioner on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned J.M. 1st, Lakhisarai in connection with Lakhisarai Piparia P.S. Case No. 35 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person



acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

