

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1806 of 2022

Arising Out of PS. Case No.-434 Year-2020 Thana- LAKHISARAI District- Lakhisarai

Abhimanyu Kumar S/O Nakul Prasad Mandal @ Makul Prasad Mandal R/O
Village- Jagdishpur, P.S.- Jamalpur, District- Munger.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Hansraj, Advocate

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-08-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by the Stamp Reporter within two weeks from today.

Heard learned counsel for the petitioner and Mr. Mukeshwar Dayal, learned APP for the State.

This is the second attempt of the petitioner to obtain bail in connection with Lakhisarai, Ramgarh Chowk P.S. Case No. 434 of 2020 registered for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act. He is in custody since 23.09.2020. He has no criminal antecedent.

Earlier the prayer for bail of the petitioner was rejected vide order dated 04.08.2021 passed in Cr. Misc. No. 7774 of 2021.

Learned counsel for the petitioner submits that the name of the petitioner has transpired in this case in the confessional statement of co-accused Babloo Kumar. The said Babloo Kumar had enmity with the maternal grandfather of the petitioner because of



which the name of the petitioner has been brought in this case. No incriminating material has been found with regard to involvement of the petitioner in the present case.

Learned counsel submits that earlier the prayer for bail of the petitioner was rejected after noticing the confessional statement of the petitioner and co-accused leading to recovery of revolver and the mobile call records showing that the petitioner was in regular touch with the co-accused Babloo Kumar in whose confessional statement the name of the petitioner has transpired.

Learned counsel submits that after rejection of prayer for bail of the petitioner, the co-accused Babloo Kumar Singh @ Babloo Mandal has been ordered to be released on bail by a learned Co-ordinate Bench of this Court vide order dated 27.09.2021 passed in Cr. Misc. No. 26928 of 2021. It is submitted that the case of the petitioner stands on similar footing. It is further submitted that as per the trial court's report the case was still fixed for charge on 10.03.2022.

Learned APP for the State has though opposed the prayer for bail of the petitioner but is unable to draw any distinction between the co-accused Babloo Kumar Singh @ Babloo Mandal and that of the petitioner.

In the circumstances, the petitioner being similarly situated with the co-accused Babloo Kumar who has already been granted bail by learned Co-ordinate Bench of this Court, this Court



directs release of the petitioner above named 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 C.J.M., Lakhisarai in connection with Lakhisarai, Ramgarh Chowk P.S. Case No. 434 of 2020, subject to the condition as laid down under Section 437(3) Cr.P.C.

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 steps 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.

Certified copy of this order shall be provided only after removal of all the defects.

(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'.

