

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8009 of 2022**

Arising Out of PS. Case No.-332 Year-2019 Thana- DESARI District- Vaishali

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LAXMAN KUMAR SINGH @ LAXMAN SINGH Son of Nand Kishor
Singh Resident of Village - Rampur Baghel, P.S. - Desari, District - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Adv.
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 13-06-2022 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 394, 302 and 396 of the Indian
Penal Code and Section 27 of the Arms Act.

The case of the prosecution in brief is that the
brother of the informant had gone to SBI Branch, Mahnar to
withdraw the money for the customer service centre being
run by him whereafter the informant came to know at about
10:50 o'clock that at unknown miscreants had shot and
injured the brother of the informant and had robbed him of
the money withdrawn from the bank. Thereafter the
informant and his family members had gone to the place of



occurrence, where the eye witness present there had narrated about the incident to the effect that two miscreants had overtaken the motorcycle of the brother of the informant and fired gun shots on him resulting in him sustaining gun shot injuries whereupon the said two miscreants had taken away the money bag. It is further alleged that the informant and others had carried the injured brother of the informant to Primary Health Centre, Mahnar where He further submits that was declared dead.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has not been named in the F.I.R. but merely on the basis of confessional statement of the co-accused, Ankit Kumar Pathak, he has been made accused in this case. In fact, nothing has been recovered from the conscious possession of the petitioner. The petitioner has not played any pivotal role in the alleged occurrence. Moreover, the co-accused, namely, Ankit Kumar Pathak has already been granted bail by a co-ordinate Bench of this Court vide order dated 17.12.2020 passed in Cr. Misc. No. 1694 of 2021 and another co-accused, namely, Rajeev Thakur @ Rajeev Kumar



Thakur having more or less similar allegation, has already been granted bail by a co-ordinate Bench of this Court vide order dated 10.12.2020 passed in Cr. Misc. No. 300 of 2021. The petitioner is rotting in judicial custody since 05.05.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries ten more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Desari (Sahdei O.P.) P.S. Case No. 332 of 2019 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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