

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13309 of 2022

Arising Out of PS. Case No.-7 Year-2022 Thana- CHANAN District- Lakhisarai

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Lalu Kumar, Son of Kishori Ram, Resident of Village- Bannubagicha, P.S.-
Kiul, District- Lakhisarai. ... Petitioner/s

Versus

The State of Bihar ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 06-07-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Manoj Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Chanan P.S. Case No. 07 of 2022 registered for
the offences punishable under Sections 414, 384, 386/34 of the
Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms
Act.

As per prosecution case, it is alleged that the police
on secret information that some persons armed with deadly
weapons are extorting money from the drivers of the trucks
raided the place of occurrence and apprehended the petitioner
and from his possession one loaded country made pistol,
motorcycle and Rs.2000/- cash were recovered. It is further



alleged that on seeing the police party, other miscreants fled away from the place of occurrence.

It is submitted by the learned counsel appearing on behalf of the petitioner that so far the motorcycle and cash are concerned, the same belong to the petitioner. It is further submitted that since some altercation has taken place between the police and the petitioner, the name of the petitioner has been implicated in the present case showing the recovery from his possession. It is next submitted that as per the F.I.R. there is allegation of extortion of money from the truck drivers, but surprisingly no truck driver has made any complaint in this regard. It is further submitted that there is no independent witness to the seizure list, inasmuch as there is complete violation of Section 100 of the Cr.P.C. It is lastly submitted that this petitioner is in custody since 12.01.2022 having clean antecedent and moreover after conclusion of the investigation, charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that recovery has been made from the possession of this petitioner and the petitioner has been found involved in extorting money from the truck drivers.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that no complaint has been made by any of the truck driver with regard



to extortion of money and furthermore the petitioner is in custody since 12.01.2022 having fair antecedent, though investigation of the crime is complete and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Lakhisarai in connection with Chanan P.S. Case No. 07 of 2022 subject to the condition that one of the bailors will be the local residents with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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