

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39397 of 2021

Arising Out of PS. Case No.-234 Year-2021 Thana- LAKHISARAI District- Lakhisarai

1. BARAN KUMAR S/o- Dhobi Mahto R/o- Village- Tilokhar, P.S.- Amhara (Lakhisarai), District- Lakhisarai.
2. Chhotu Kumar S/o Kailu Mahto R/o Village- Tilokhar, P.S.- Amhara (Lakhisarai), District- Lakhisarai.
3. Vivek Kumar S/o- Dasho Mahto R/o Village- Tilokhar, P.S.- Amhara (Lakhisarai), District- Lakhisarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-03-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects as pointed out by the office, within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, the office will place the matter before the Bench.

The petitioners apprehend their arrest in a case in connection with Lakhisarai (Amhara) P.S. Case No.234 of 2021, registered for the offence punishable under Sections 307/34 of the Indian Penal Code and 27 of the Arms Act.



The allegation against the petitioners is that they along with other accused persons surrounded the sons of the informant with intention to kill and one Rupesh Kumar fired at his son, causing injuries on his left arm and his other son also got injuries on his neck.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to dirty village politics. No such occurrence, in the manner as alleged has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. The specific allegation of firing is against the co-accused Rupesh Kumar. The Doctor has found injuries at the left shoulder of one injured and on the neck of second injured, while both injuries are simple in nature. Petitioners have no criminal antecedent, as also mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since there is no specific allegation against the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.



25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Lakhisarai (Amhara) P.S. Case No.234 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the instant application is allowed.

(Anjani Kumar Sharan, J)

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