

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31481 of 2022

Arising Out of PS. Case No.-482 Year-2021 Thana- DUMRA District- Sitamarhi

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LAKHINDRA KUMAR @ SIKANDRA KUMAR Son of Kailash Ram
Resident of Village-Ghoghna, Ward No.-8, P.S.-Dumra, District-Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar

For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 25-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the

offences punishable under Sections 399, 402 of the Indian Penal

Code and sections 25(I-b)a, 26, 35 of the Arms Act.

As per prosecution story, the police got information that

5/6 accused persons had concealed in the house of co-accused Sujeet

Kumar and they were making preparation to commit dacoity and

thereafter the police raided the house of Sujeet Kumar and arrested

the petitioner and co-accused persons from the spot and from the

possession of co-accused Sujeet Kumar a loaded country made pistol

was recovered, during interrogation, accused persons accepted to

have indulged in the offence of loot.



The main submissions advanced by Sri Hans Lal Kumar, the learned counsel for the petitioner are that there is no specific allegation against the petitioner and from his possession, no incriminating article was recovered, firearm was recovered from the possession of co-accused Sujeet Kumar and the petitioner is simply alleged to be present at the house of said co-accused. Further submission is that petitioner has been languishing in jail since 7.12.2021 and against him there is one criminal antecedent in which he is on bail.

Sri Binod Kumar, learned APP appearing for the State has opposed the prayer for bail.

In view of above submissions and considering the fact that at the time of arrest no incriminating material was recovered from the possession of this petitioner and he is alleged to be present at the house of co-accused, in the opinion of this court a lenient approach can be taken in respect of the petitioner. Let the 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 the Chief Judicial Magistrate, Sitamarhi in Dumra P.S Case No. 482 of 2021.

(Shailendra Singh, J)

s.hassan/-

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