

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58070 of 2021

Arising Out of PS. Case No.-167 Year-2020 Thana- LAKHISARAI District- Lakhisarai

Piyush Kumar, Son of Saini Singh, Resident of Village- Dhanushpur, P.S.-
Salimpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-04-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecution for the State.

The petitioner seeks regular bail, who is in custody in
connection with Lakhisarai P.S. Case No. 167 of 2020 for the
offences punishable under Sections 302, 120B/34 of the Indian
Penal Code and Sections 25(1-b)a, 26(i) and 27 of the Arms Act.

The prosecution case as alleged in the F.I.R. is that on
the date of occurrence three persons named in the F.I.R. came
on the Dalan of the informant and made indiscriminate firing
causing death of his father. It is further alleged that other co-
accused persons named in the F.I.R. were on Sumo vehicle,
however, on chase, they fled away.



It is submitted by the learned counsel for the petitioner that the petitioner is not named in the F.I.R. and his name transpired on the confessional statement of co-accused Manish Kumar and Rahul @ Tutu, who have already been granted bail by different co-ordinate Benches of this Court in Cr. Misc. No. 35275 of 2020 and Cr. Misc. No. 41027 of 2020 vide order dated 11.01.2021 and 05.04.2021 respectively. It is further submitted that other accused persons named in the F.I.R. have also been granted bail by different Benches of this Court, copies of which have been brought on record by way of Annexures- 2 and 3. It is next submitted that except suspicion that prior to the alleged occurrence there was talk on mobile between the petitioner and the co-accused persons, there is no material to suggest the complicity of the petitioner in the present case. He next submits that the investigation has already been concluded. The petitioner has got clean antecedent and he is in custody since 29.06.2021.

On the other hand, learned APP for the State opposes the prayer for bail.

Having taking into consideration the submissions and the materials available on record especially that during the course of investigation no incriminating material has come



which suggest the complicity of the petitioner, apart from the fact that other co-accused persons named in the F.I.R. have already been granted bail by different Benches of this Court, let the petitioner, named above, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S. Case No. 167 of 2020 with the following conditions:

(a) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present as directed by the court below and in case of his absence on two consecutive dates without any cogent reason, his bail bonds shall be cancelled by the court below.

(b) 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.

(Harish Kumar, J)

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