

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.50048 of 2022**

Arising Out of PS. Case No.-99 Year-2022 Thana- BIBHUTIPUR District- Samastipur

Lalan Kumar Son Of Late Bhola Mahto R/O Village- Sirsi, Ward No.-05,
P.S.- Bibhutipur, District- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate

Mr. Nilesh Kumar, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 23-12-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by the Stamp Reporter by 16th January, 2023.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Bibhutipur P.S. Case No. 99 of 2022 registered for the offences punishable under Sections 341, 323, 504, 506, 354(B), 307, 427, 379, 147 of the Indian Penal Code. He is in custody since 23.05.2022. He has one criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, on 13.03.2022 when the grand-daughter of the informant was returning home, on her way near Brahm Sthan accused Lalan Kumar (this petitioner), Ram Babu Yadav and



Sanjeet Kumar Jha on the point of pistol kidnapped her and touched her inappropriately. When the victim girl started crying, villagers arrived there and all of them fled away. Thereafter, Lallan Kumar along with 15-16 persons lashed with weapons assaulted the informant and on the head of his daughter-in-law with rod and looted Rs.5 lakhs from the house of the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that the petitioner is in custody since 23.05.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is submitted that there is a land dispute between the petitioner and the informant, petitioner has filed a case being Case No. 31/2019-2020 in the court of Anchala Adhikari, Bibhutipur for measurement and demarcation of land and the informant is said to have captured some portion of the land of the petitioner and for this reason, the present case has been lodged with sole intention to falsely implicate the petitioner, the petitioner has remained in custody since 23.05.2022 and the investigation against him is complete, further considering that there is no submission on behalf of the State that release of the petitioner at this stage is likely to



result in tampering with the evidence or interfering with the course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Rosera, District-Samastipur in connection with Bibhutipur P.S. Case No. 99 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

The application stands allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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