

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71068 of 2021

Arising Out of PS. Case No.-63 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Laxman Kumar @ Laxman S/O Dukhan Tanti @ Dukho Tati Resident Of
Village- Kamruddinpur, P.S.- Muffasil, District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-06-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Muffasil P.S. Case No. 63 of 2021 registered
for the offences punishable under Sections 147, 148, 149, 341,
323, 324, 504, 307, 447 of the Indian Penal Code. He is in
custody since 28.09.2021 and has no criminal antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story, the accused persons including the
petitioner variously armed had arrived at the house of informant
whereafter they had abused the informant, which was protested



by the informant. It is also alleged that the accused persons had assaulted the informant and so far as this petitioner is concerned, he is said to have assaulted Pandav Kumar by an Axe on his head.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that as per the allegation the petitioner had assaulted Pandav Kumar by an Axe on his head but there is no injury report of the said Pandav Kumar and Investigating Officer has submitted chargesheet against the petitioner without there being any injury report of said Pandav Kumar.

Learned counsel submits that the co-accused Chandan Kumar and Dinesh Tanti have been granted bail by learned court below in B.P. No. 523 of 2021 and B.P. No. 1197 of 2021 and further the two co-accused namely Gautam Kumar and Jeetan Tanti have been granted bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 50887 of 2021 and Cr. Misc. No. 69100 of 2021 respectively.

It is submitted that the petitioner has remained in custody since 09.09.2021 having no criminal antecedent and investigation against him is complete.



Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that in this case the allegation against the petitioner is that he had assaulted Pandav Kumar by an Axe on his head but there is no injury report of the said Pandav Kumar and Investigating Officer has submitted chargesheet against the petitioner without there being any injury report of said Pandav Kumar, further considering that the co-accused Chandan Kumar and Dinesh Tanti have been granted bail by learned court below in B.P. No. 523 of 2021 and B.P. No. 1197 of 2021 and further the two co-accused namely Gautam Kumar and Jeetan Tanti have been granted bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 50887 of 2021 and Cr. Misc. No. 69100 of 2021 respectively, the petitioner has remained in custody for about 9 months, investigation against him is complete and his presence may also be secured in course of trial, therefore, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Muffasil P.S. Case No. 63 of 2021, 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 steps 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.

(Rajeev Ranjan Prasad, J)

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Note: the ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during pandemic period all concerned shall act on the basis of the copy of the order uploaded on the high court website under the heading 'judicial orders passed during the pandemic period'.

