

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.11916 of 2023**

Arising Out of PS. Case No.-407 Year-2022 Thana- ARA NAGAR District- Bhojpur

MD. LUCKY Son of Md. Dipak R/v- Abarpul, P.S.- Ara Town, Dist- Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Gopal Krishna, Adv.

For the Opposite Party/s : Mr. Rajendra Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA  
ORAL ORDER**

2      08-05-2023                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 19.05.2022, in connection with Ara Nagar P. S. Case No. 407 of 2022, F.I.R. dated 07.05.2022, in a case registered for the offence under Sections 302/34 of the Indian Penal Code and Section 27 of Arms Act.

The prosecution case, in short, is that as per fardbeyan of the informant the present petitioner along with other co-accused persons opened firearms indiscriminately at the informant's son and the informant's succumbed to this firearm injuries during the course of treatment.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that in fact there is no eye witness of the



alleged occurrence and only on the basis of the suspicion the petitioner has falsely been implicated in the present case. He further submits that except the suspicion, no other cogent material has come during investigation against the petitioner. He further submits that co-accused persons, namely, Md. Talim @ Md. Saddam, Md. Golu, Md. Muskan @ Md. Mustan @ Mustan have been granted bail by this Court vide order dated 08.02.2023 passed in Cr. Misc. No. 49393/2022, Cr Misc. No. 49317/2022 and Cr. Misc. No. 58138/2022 respectively and another co-accused, namely, Md. Daroga has been granted bail by Co-ordinate Bench of this Court vide order dated 02.05.2023 passed in Cr. Misc. No.9253/2023 and the police, after investigation, submitted charge sheet against the petitioner and petitioner is in custody since 19.05.2022.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner, on the ground that the petitioner carries one criminal antecedent other than the present one but fairly submits, on the basis of para-3, of the bail petition that the petitioner is on bail in that case.

Considering the facts and circumstances of the case, let the petitioner, above named, 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 learned C.J.M., Bhojpur at



Arrah, in connection with Ara Nagar P.S.Case No. 407 of 2022  
with the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. 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.

**(Rajesh Kumar Verma, J)**

amit/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

