

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12413 of 2023

Arising Out of PS. Case No.-578 Year-2019 Thana- LAKHISARAI District- Lakhisarai

Rahul Kumar @ Jhandu S/O Late Arjun Prasad R/V- Kabaiya Road, Ward
No. 5, P.S.- Kabaiya, District- Lakhisarai

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mani Bhushan Kumar, Advocate

For the Opposite Party/s : Mr. Rajeev Nayan, App, 231

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 24-05-2023 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

The accused/petitioner is not named in F.I.R. and
apprehending his arrest in connection with Lakhisarai P.S Case
No. 578 of 2019 registered for the offences punishable under
Sections 307 and 34 of the Indian Penal Code.

The allegation against this petitioner is to open fire
upon informant along with other unknown co-accused persons
out of previous enmities.

Learned counsel appearing on behalf of the petitioner
submitted that informant/injured failed to identify the petitioner



as to affirm his involvement in alleged crime in question. It is submitted that save and except suspicions, nothing survived against this petitioner and moreover, despite having full opportunity TIP was not conducted till now, despite claim of informant that he can identify the assailant. While concluding the argument it is submitted that petitioner found involved in three more criminal cases, out of which he is on bail in two cases, details of which are available in para-III of present bail petition.

Learned APP duly assisted by learned counsel, Mr. Rabindra Priyadarshi appearing for the informant, while opposing the prayer of bail drew attention of this Court regarding criminal antecedent of petitioner and submitted that by suppressing the fact of his criminal antecedent petitioner obtained bail in Lakhisarai P.S. Case No. 434 of 2020 for which cancellation is pending before this Court but fairly conceded the fact that informant failed to identify the petitioner. It is also submitted that petitioner is the accused of murder case of the informant of this case which has been registered as Lakhisarai Ramgarh Chowk P.S. Case No. 434 of 2020 but fairly conceded that petitioner is also on anticipatory bail in that case.

Considering the aforesaid facts and circumstances and



by taking note of the fact as informant/injured failed to identify the petitioner doubting his involvement, *prima facie*, in alleged occurrence, accordingly, the above named petitioner, in the event of his arrest or surrender before the court below within a period of four weeks of this order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai/concerned Court, where the case is pending in connection with Lakhisarai P.S. Case No. 578 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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