

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17070 of 2023

Arising Out of PS. Case No.-776 Year-2022 Thana- GAURICHAK District- Patna

LAXMAN KUMAR @ LAKSHMAN PRASAD SINGH S/o- Sri Ram Pratap
Singh Village- Lahladpur Ps- Gaurichak Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
For the Opposite Party/s	:	Mr. Anil Kumar Singh No. 1, APP
For the informant	:	Ms. Sanju Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-05-2023 Heard Mr. Krishna Prasad Singh, learned Senior Counsel for the petitioner, the State and Ms. Sanju Singh, learned counsel for the informant.

The petitioner apprehends his arrest in connection with Gaurichak P.S. Case No.776 of 2022 instituted under Sections 147, 148, 149, 307, 504, 506, 427 of the Indian Penal Code and 27 of the Arms Act lodged on 22.11.2022 by the informant Dhanjay Madhu @ Bolbam Singh.

As per the prosecution story, informant alleged that on 21/11/2022 all the accused, namely, Ranvir Singh@ Raju, Gulshan Kumar Singh, Deepak Kumar Singh, Ravikant Kumar, Shiv Shankar Singh, Pramod Kumar Singh, Naveen Kumar Singh, Satendra Kumar Singh, Rama Singh, Manish Kumar, Chandan Patel and Deepak Sen came at his house and resorted



to indiscriminate firing to kill him and also damaged his vehicle. The further allegation is that the accused Amit Kumar, Raju Kumar Singh, Rakhi Devi, Mukhiya Barama Panchayat, Laxman Kumar, PACS Chairman of Barama Panchayat, Ramakant Singh and Dharmendra Kumar Singh had planned the said crime at the house of Raju Kumar Singh. Accordingly, the FIR.

Learned Senior Counsel for the petitioner submits that he already having been elected to the post of Chairman of the PACS thus had nothing to do with the person who was already defeated. As such the allegation made against him is false and fabricated and due to enmity. He further submits that it is not the case that the petitioner was present at the spot and only because he defeated him his name has been incorporated in the FIR. It is his last contention that since the allegation has come, he will face the trial but without accepting the same and/or outcome of the present petition he intends to:

(i) pay Rs.1,00,000 (one lac) to the informant through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

(ii) Rs.25,000/- to the Chief Minister's Relief Fund.



Per contra learned counsel appearing for the informant has produced photographs to show the kind of firing that took place and resulted into damage to the building of the informant. It is her further case that the entire crime was committed at the behest of the petitioner herein and as such he is not entitled for the relief.

Taking into account the fact that the petitioner was not present at the spot and although there is allegation of said indiscriminate firing at his behest, the same is on the basis of suspicion. Till the date of occurrence, he did not had any criminal antecedent and in the aforesaid backdrop, this Court is inclined to grant him privilege of anticipatory bail, subject to payment of the amount as undertaken by him.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Gaurichak P.S. Case No.776 of 2022 to the satisfaction of learned ACJM, VIth, Patna City, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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