

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36900 of 2023

Arising Out of PS. Case No.-270 Year-2022 Thana- NAGAR District- Vaishali

LAKHAN KUMAR SON OF BULAKI MAHTO VILLAGE SATPURA,
POLICE STATION- BHAGWANPUR AT PRESENT RAJENDRA MORE
THANA TOWN (NAGAR) HAJIPUR, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Smiti Bharti, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-07-2023 Heard Ms. Smiti Bharti learned counsel for the
petitioner and the State.

The petitioner is in custody since 20.09.2022 in connection with Hajipur Town P.S. Case No. 270 of 2022 for the offence punishable under Sections 302/34 of the I.P.C. lodged on 01.04.2022 by the informant, Pankaj Kumar.

The case as per prosecution is that the police upon knowledge that some accused persons have attacked a person reached Vaishali Mahila College and found a person lying unconscious and on chase, arrested Kishan Das and Vicky Kumar, who narrated that Lakhan Kumar, Mangal Kumar and



Ganesh Kumar were also there but escaped. Accordingly the F.I.R.

It has been submitted by the learned counsel for the petitioner that he was not arrested from the spot rather his name has come in the confessional statement. Further, the contention is that the alleged occurrence took place due to some money dispute while they were working in Kerala but the petitioner had never been to Kerala.

Last submission in that he is in custody since 20.09.2022 and do not have criminal antecedent.

Learned APP opposes the prayer stating that it is a case of assault/death further submitting that in the learned Session's Judge order allegation has come against this petitioner of assaulting the deceased.

Learned counsel for the petitioner submits even this allegation has come from the mouth of the accused persons, who were arrested on the spot and they shifted the blame on this petitioner.

Taking into account the aforesaid submission put forward by the learned counsel for the petitioner as also that he was not arrested from the spot and in custody since 20.09.2022 having no criminal antecedent, this Court is inclined to extend



him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned court of C.J.M, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 270 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) 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 bail bond by the Trial Court itself;

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

(iv) 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;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty



to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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