

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43409 of 2022

Arising Out of PS. Case No.-430 Year-2022 Thana- LAKHISARAI District- Lakhisarai

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UJJAWAL KUMAR S/o Shyam Singh @ Siya Ram Singh R/o village-
Bhados, P.S.- Sirari, District- Sekhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. A.K. Thakur, Adv. Mr. Ram Sevak Choudhary
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary
For the Informant	:	Mr. M.S. Hoda

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 16-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Lakhisarai P.S. Case No. 430 of 2022, registered for the
offences punishable under Sections 341, 323, 324, 307, 427
and 34 of the Indian Penal Code.

The prosecution case as emerging from the FIR is



that on 22.05.2022 at about 10:30 P.M. when the informant reached near Lakhisarai Toll Plaza, 4-5 accused persons came by two motorcycle and started giving fist blow on the glass of the car of the informant saying that the informant had dashed the dog of the accused persons. Later, they assaulted the informant and his brother-in-law by giving knife blow.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the FIR has been lodged against unknown persons and even in the case-diary, the statement that *Chowkidar* identified the present accused-petitioner by the help of CCTV footage of the place of occurrence does not seem to be plausible. Moreover, names and identities of persons, who were identified are disclosed in the case-diary. Moreover, the *Chowkidar* who allegedly identified the petitioner was from Lakhisarai whereas the accused are from Shekhpura and there is least possibility of acquaintance between the *Chowkidar* and accused persons and there is all likelihood of false identification.



He further submits that the petitioner has been languishing in jail since 26.05.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one other case.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. C.J.M., Lakhisarai in connection with Lakhisarai P.S. Case No. 430 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that



investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a



period of one month and the Registry is directed to issue the
certified copy of this order only after removal of office
objections.

(Jitendra Kumar, J)

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