

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45433 of 2023

Arising Out of PS. Case No.-124 Year-2023 Thana- CHANDI District- Bhojpur

LAW KUMAR @ LAVKUSH KUMAR RAY S/o- KEDAR RAI Village-
Bhadwar Ps- Chandi Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 27-07-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. Petitioner seeks regular bail in connection
with Chandi P.S. Case No.124 of 2023 dated 02.05.2023
registered for the offence(s) punishable under Section(s) 302
read with 34 of the Indian Penal Code.
3. The main submissions advanced by the
learned counsel for the petitioner are that the petitioner is not
named in the FIR, during investigation co-accused Krishna Ray
@ Karia was arrested and he recorded his statement in which he
revealed that he himself fired upon the deceased and only one
fire-arm injury was found on the person of the deceased, in fact
at the time of alleged occurrence a *tilak* ceremony was being
celebrated and at that time celebratory firing was made by



someone which resulted in fire-arm injury to the victim and the petitioner has fair and clean antecedent and has been languishing in jail since 05.05.2023.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly the facts that the petitioner is not named in the FIR and he has taken the plea in Paragraph No.10 of the petition that the alleged firing which resulted in death of the deceased, was caused by co-accused Krishna Kumar @ Karia and informant did not name this petitioner despite he being a co-villager of the petitioner, in my opinion in the light of the said circumstances as well as considering the petitioner's fair and clean antecedent it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be released on bail in connection with Chandi P.S. Case No.124 of 2023 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, on the following conditions:-

(I) Petitioner(s) shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without



sufficient reason, his bail bond shall be cancelled by the trial Court.

(II) If the petitioner(s) tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(III) One of the bailors shall be a close relative of the petitioner(s) who has sworn affidavit in this miscellaneous petition.

(iv) The trial Court will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the trial Court shall take strict action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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