

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51276 of 2023

Arising Out of PS. Case No.-477 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Laxman Rai @ Lakshman Yadav Son Of Late Shiv Nath Rai Resident Of
Village Jitwarpur Chouth Farpura Ps Samastipur Miffasil District Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Advocate
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
10.05.2023 in connection with Samastipur Muffasil P.S. Case
No. 477 of 2020, F.I.R. dated 21.11.2020 for the offences
punishable under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

4. According to prosecution case, co-accused Md.
Fardin took the son of the informant and after half an hour, the
informant heard that murder of his son has been committed.



Then the informant went to the place of occurrence and saw the dead body of his son. Suspicion has been raised against the petitioner and other accused persons.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that from the perusal of the F.I.R it appears that there is no acquisition of any assault or overt act attributed against the petitioner rather the allegation against the petitioner is that he was present at the place of occurrence along with other accused persons. He further submits that the informant is not the eye witness of the alleged occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that the main, co-accused, namely, Mritunjay Thakur @ Mritunjay Kumar Thakur has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 15.11.2022 passed in Cr. Misc. No. 24931 of 2022, co-accused, namely, co-accused, namely, Gaurav Thakur @ Gaurav Kumar has been granted provisional bail by a co-ordinate Bench of this Court vide order dated 21.10.2021 which was confirmed by this Court vide order dated 08.12.2021 passed in Cr. Misc. No. 29211 of 2021 and other co-accused, namely, Deepak Thakur has been



granted bail by this Court vide order dated 08.12.2021 passed in Cr. Misc. No. 31584 of 2021. The petitioner is in custody since 10.05.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries five criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in two cases out of 5.

7. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, Samastipur in connection with Samastipur Muffasil P.S. Case No. 477 of 2020, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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