

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54219 of 2023

Arising Out of PS. Case No.-84 Year-2023 Thana- LAUKAHA District- Madhubani

Laxmi Kumar @ Laxmi Yadav Son Of Ramballabh Lij Puriya@ Ramballabh
Yadav Resident Of Village- Sahorba, P.S-. Laukaha, District -MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 25-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 302, 120B, 504 of the Indian Penal Code and 27 of the Arms Act.

It is case of assaulting and opening fire upon the informant's cousin Naval Kumar and specific allegation against co-accused namely Prabhash Kumar is that he fired at Naval Kumar with a Katta due to which he sustained injury. Thereafter co-accused namely Priyesh Kumar and Durgesh Kumar also fired at Naval Kumar due to which the bullet hit his throat, he was taken to the hospital where he declared died.



It is submitted by learned counsel for the petitioner that the petitioner is innocent and committed no offence. He has falsely been implicated in the present case due to previous land dispute and dirty village politics. Both the parties are Gotiya and there is case and counter case between the parties. There is no specific overt act of any assault or opening fire against the petitioner rather the specific overt act against co-accused Prabhash Kumar, Priyesh Kumar and Dugesh Kumar who fired upon the deceased. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 17.08.2023 passed in Cr. Misc. No. 52180 of 2023. It is also submitted that petitioner is languishing in judicial custody since 02.04.2023.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Laukaha P.S. Case No. 84 of



2023 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Jhanjharpur, Madhubani.

(Sunil Kumar Panwar, J)

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