

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56686 of 2022

Arising Out of PS. Case No.-671 Year-2019 Thana- LAKHISARAI District- Lakhisarai

Prakash Ram @ Prakash Kumar, Son of vijay ram Resident of Village and
Police Station - Pandarakh, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 22-03-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

In the present case, the petitioner seeks bail in connection with Lakhisarai P.S. Case No. 671 of 2019 registered for the alleged offences under Sections 302 and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

As per prosecution case, informant and his brother were going by a four-wheeler when they were accosted by 8 bike-borne miscreants who were riding 3 bikes and these miscreants opened fire causing injury to the brother of the informant who later on succumbed to his injuries. The occurrence took place in the background of earlier enmity, land dispute and quarrel over railway parking. The name of the petitioner cropped up in this case during the course of investigation.



Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that petitioner is not named in the F.I.R. though a number of co-accused persons have been named by the informant. The name of the petitioner came up in the confessional statement of co-accused Kaushal Yadav who was also not named in the case earlier. There is no specific allegation against this petitioner except that he was involved in the matter and was doing the work of liner. Similarly, placed co-accused persons have been granted bail vide orders dated 23.01.2020, 03.03.2020, 11.01.2022 and 25.11.2019 passed in Cr. Misc. No. 4461 of 2020, Cr. Misc. No. 15286 of 2020, Cr. Misc. No. 37241 of 2021 and Cr. Misc. No. 75060 of 2019, respectively. Charge sheet has been submitted in this case and the petitioner is in custody since 11.04.2022.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that the petitioner is having criminal antecedent and is accused in another case under Section 302, 120B and 34 of the Indian Penal Code.

Having regard to the aforesaid facts and circumstances and submission made on behalf of the parties and considering the fact that no material has come up on record to show the involvement of the petitioner and there appears no specific



allegation against the petitioner and also considering the period of custody of the petitioner along with submission of charge sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai, in connection with Lakhisarai P.S. Case No. 671 of 2019, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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