

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64919 of 2022**

Arising Out of PS. Case No.-554 Year-2021 Thana- LAKHISARAI District- Lakhisarai

Laxman Yadav @ Laxman Kumar, S/o Sanjay Yadav, R/V- Damodarpur, P.S.-
Lakhisarai, Distt- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoranjan Kumar, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 13-03-2023 Heard learned counsel appearing on behalf of the pe-
titioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Sessions
Trial No. 147 of 2022 arising out of Lakhisarai P.S. Case No.
554 of 2021 registered for the offence under Sections 341, 323,
307, 354(B), 448, 379/34 of the Indian Penal Code and later on
Section 302 of the IPC was added.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.02.2022.

The allegation against the petitioner is to commit mur-
der of father-in-law of the informant by assaulting through rod
etc. when he prevented named accused persons including this



petitioner to commit rape upon the informant.

Learned counsel appearing on behalf of the petitioner submitted that occurrence took place due to neighbourhood disputes and differences and allegation of attempt of rape is appearing false on its face. It is submitted that prior to this occurrence, a case was lodged by this petitioner which was registered as Lakhisarai P.S. Case No. 553 of 2021, where he received injuries and referred to PMCH for treatment. It is also submitted that in said occurrence, father-in-law of informant received injuries and therefore a different colour of allegation of rape was raised through present FIR to aggravate the allegation. It is also submitted that both parties received injuries during the occurrence which appearing free fight in nature and as such it cannot be said that petitioner was under intention to cause death of father-in-law of the informant. It is also submitted that allegation as regard to assault is appearing very much general and omnibus against this petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has already been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.



Considering the facts and circumstances as mentioned above and by taking note of the occurrence, where allegation is appearing very much general and omnibus, coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Lakhisarai P.S. Case No. 554 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai/concerned Court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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