

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66039 of 2023**

Arising Out of PS. Case No.-664 Year-2022 Thana- BHOJPUR COMPLAINT
CASE District- Bhojpur

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LAXMAN PANDEY @ LAKSHMAN PANDEY S/O LATE SHIV MANGAL
PANDEY RESIDENT OF ADARSH NAGAR KANGARH, POST- NAL DANGA,
PS. CHUCHURA, DIST. HUGLI, WEST BENGAL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhanesh Shankar Vidyarthi

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-11-2023 Heard Mr. D.S. Vidyarthi, learned counsel for the

petitioner and Mr. Bhanu Pratap Singh, learned A.P.P. for the

State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 664(c) of 2022 registered for the
offence under Sections 341, 323, 379, 452, 504, 506 and 34
of the Indian Penal Code.

The petitioner along with others are alleged to
have opened fire upon the complainant and snatched golden
chain amounting Rs. 50,000/- along with earrings
amounting to Rs. 20,000/- and thereafter threatened the
complainant for dire consequences.



Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that from perusal of the F.I.R., it appears that there is no specific allegation against the petitioner rather general and omnibus allegation is attributed to him. He further submits that the petitioner happens to be elder brother-in-law of the complainant and he has no concern at all with the alleged occurrence. Moreover, the co-accused, namely, Mithilesh Pandey, and Bimlesh Pandey @ Vimlesh Pandey, having more or less similar allegation, have already been granted bail by a co-ordinate Bench of this Court vide order dated 19.08.2023 passed in Cr. Misc. No. 51843 of 2023.

Learned A.P.P. for the State as well as learned counsel for the informant on the other hand vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation against the petitioner that he has fired upon the complainant.

Considering the facts and circumstances of the case and general and omnibus allegation against the petitioner along with other co-accused, who have been granted anticipatory bail by a co-ordinate Bench of this Court, let the,



above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, 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 learned Judicial Magistrate-1st, Bhojpur at Ara in connection with Complaint Case No. 664(c) of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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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