

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67945 of 2022**

Arising Out of PS. Case No.-52 Year-2021 Thana- KAJRA District- Lakhisarai

SANDEEP KUMAR S/O ANIK MAHTO Resident of village- Ramtaliganj,
P.S.- Kajra, District- Lakhisarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Adv.

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 24-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Kajra P.S.
Case No. 52 of 2021 dated 27.06.2021 registered for the offence
under Sections 147, 148, 149, 324, 341, 325, 326, 302, 307, 504
and 506 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner along with others who were seven in
numbers, are alleged to have fired upon the informant's father
due to which he sustained gun shot injury in his leg and brother
of the informant has also been inflicted two bullet injuries at the
instance of the accused persons named in the F.I.R. The informant
is also subjected to assault by means of sword over his head.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and



has falsely been implicated in this case. He further submits that it appears from the F.I.R. itself that there is general and omnibus allegation against the petitioner and no specific allegation of firing or any overt act is attributed to him. He further submits that due to previous land dispute, the petitioner has made accused in this case. He further submits that according to the prosecution version as narrated in the F.I.R, the petitioner, at best, can be said to be a member of mob. Moreover, the co-accused, namely, Santosh Kumar and Sachin Kumar have already been granted bail by a co-ordinate Bench of this Court vide order dated 26.04.2022 passed in Cr. Misc. No. 66069 of 2021 and Cr. Misc. No. 9555 of 2022 and the case of this petitioner stands of similar footing. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 01.09.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Sub Divisional Judicial Magistrate, Lakhisarai in connection with S.D.J.M., Lakhisarai P.S. Case No. 52 of 2021 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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