

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7270 of 2024

Arising Out of PS. Case No.-188 Year-2023 Thana- DHARHARA District- Munger

Ram Lakhan Prasad Singh @ Ram Lakhan Mahto S/O Late Ragho Mahto
Village And Post Office- Bahachoki, Ps. Dharhara, Dist. Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ashok Kumar Karna, Advocate
For the Opposite Party/s :	Md. Mushtaque Alam, APP
:	Mr. Bishwajeet Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-02-2024 Heard Mr. Ashok Kumar Karna, learned counsel for
the petitioner, Mr. Bishwajeet Kumar, learned counsel for the
informant and Md. Mushtaque Alam, learned Additional Public
Prosecutor appearing on behalf of the State.

2. The petitioner is apprehending his arrest in connection with Dharhara Hemjapur P.S. Case No. 188 of 2023, F.I.R. dated 05.09.2023 for the offences punishable under Sections 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act. Later on added Section 302 of the Indian Penal Code.

3. According to prosecution case, petitioner along with other co-accused person fired upon the father of the informant due to which he died.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that petitioner is not named in the FIR. He further submits that petitioner is made accused in the present case only because he is father of the co-accused person, namely, Anjani Kumar @ Bobby who has fired upon the victim. He further submits that there is no specific allegation of any assault or overt act attributed against the petitioner and it has come during the investigation that there is admitted land dispute between the deceased and the petitioner.

5. The learned counsel for the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submitted that it has come during the investigation that the petitioner was involved in the present occurrence and he has threatened the deceased that he will kill him.

6. Considering the aforesaid facts and circumstances and the fact that petitioner has clean antecedent and he has been made accused only on the basis that he is father of the co-accused person, namely, Anjani Kumar @ Bobby, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Judicial Magistrate, 1st Class, Munger



in connection with Dharhara Hemjapur P.S. Case No. 188 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

- i. 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
- ii. 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.
- iii. 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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