

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7513 of 2024

Arising Out of PS. Case No.-78 Year-2023 Thana- PATEPUR District- Vaishali

Lakkhi Kumar @ Lakkhi Rai Son of Shankar Rai, Resident of Village-
Bishanpur Kowahi, P.S.-Patepur, Dist.-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 19-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehend his arrest in connection
with Patepur P.S. Case No.78 of 2023 instituted under Sections
302/34 of the Indian Penal Code.

3. As per the prosecution case, all the accused persons
including the petitioner have assaulted the son of the informant
due to which he died.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has been falsely implicated in this case
due to previous enmity. He further submits that there is no specific
allegation against the petitioner rather the specific allegation is
against the co-accused Vikash Kumar. He also submits that
petitioner has no concern with the other accused persons and he is
a handicapped person. Learned counsel submits that no *fardbeyan*
was recorded in the Hospital where the injured was treated and



after the post-mortem the F.I.R. has been lodged on the written report of the informant. He further submits that there is delay in lodging the F.I.R. He also submits that similarly situated co-accused namely Bhushan Kumar has been granted anticipatory bail by the Co-ordinate Bench of this Court vide order dated 11.10.2023 passed in Cr. Misc. No.61871 of 2023. The petitioner has one criminal antecedent.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount to each to the satisfaction of the learned Judicial Magistrate, 1st Class, Vaishali at Hajipur in connection with Patepur P.S. Case No.78 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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