

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17999 of 2024

Arising Out of PS. Case No.-916 Year-2023 Thana- LAKHISARAI District- Lakhisarai

Ashok Modi @ Anil Kumar aged about 53 years, Gender-Male, Son of Sri Bindeshwar Modi, Resident of Mohalla- Panjabi Muhalla, Ward No.-15, Post Office- Lakhisarai, Police Station- Kawaiya, District- Lakhisarai, Bihar, PIN- 811311

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C.Verma, Sr. Advocate
	:	Mr. Avinash Kumar, Advocate
For the Opposite Party/s	:	Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 14-03-2024 Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail in connection with Lakhisarai (Kawaiya O.P.) P.S. Case No.-916 of 2023 registered for the offence under Sections 341, 307, 326 and 302 of the Indian Penal Code and Sections 25(1-b)A, 26 and 27 of the Arms Act.

3. As per the prosecution case, co-accused, namely, Ashish Choudhary @ Chhotu on account of previous land dispute shot at the brothers of the informant and his family members and assuming them to be dead, co-accused ran away from the place of occurrence resorting firing and during course of treatment three persons died.

4. Learned counsel for the petitioner has submitted that petitioner has falsely been implicated in this case.



He next submits that nothing has been recovered from the conscious possession of the petitioner and petitioner has got clean antecedent and he is in custody since 29.11.2023 and no witnesses have stated anything against this petitioner .

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. On perusal of the first information report and impugned order dated 02.02.2024, it appears that the petitioner is not named in the FIR and the name of the petitioner surfaced on the basis of confessional statement of co-accused as mentioned in the impugned order that co-accused Ashok Modi was instigating him to fire from pistol and in the FIR there is no whispering regarding this instigation, let the petitioner, above named, be directed to be released on bail in connection with Lakhisarai (Kawaiya O.P.) P.S. Case No.916 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Lakhisarai.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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