

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27129 of 2024

Arising Out of PS. Case No.-99 Year-2014 Thana- DESARI District- Vaishali

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Laxmi Kumar Singh @ Laxmi Kumar, age 39 years, Male, S/o Late Ganesh Singh, R/o Village- Rampur Baghail, P.S.- Desari (Sahdei O.P.), District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Dharendra Prasad Sinha and Mrs. Rina Sinha,
Advocates

For the Opposite Party : Mr. Uma Shankar Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 13-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Desari (Sahdei O.P.) P.S. Case No. 99 of 2014 dated 26.04.2014 registered for the offences punishable under Sections 147, 448, 323, 341, 307 and 504 of the I.P.C. Later on, Section 302 of the I.P.C. was also added.

3. As per the prosecution case, on 19.04.2014 at about 10.00 A.M., the petitioner and the other co-accused persons entered the house of the informant and assaulted him with farsa, iron rod and other deadly weapons, due to which, he sustained injuries on his nose, cheek, chest and whole body. It is



further alleged that during the course of scuffle, the informant's father Sakaldeo Singh was also assaulted by the accused persons with farsa and rod, as a result of which, he sustained injuries on his head and whole body and he became unconscious and the informant's brother Vinay Kumar Singh also sustained injuries caused by lathi and farsa. The reason behind the occurrence is due to land dispute. It is further alleged that the accused persons also took the jewel, box, documents etc., from the house of the informant. The informant's father was brought to the Sadar Hospital, Hajipur from where he was referred to the P.M.C.H. for his treatment. Subsequently, the informant's father Sakal Deo Singh succumbed to his injuries during the course of his treatment.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there is an admitted land dispute between the parties. It is further submitted that neither the petitioner was arrested on the spot nor he participated in the alleged occurrence. The petitioner has no concern with the alleged offence. There is general and omnibus allegation against the petitioner. There is no specific allegation of assault against the petitioner. The other co-accused persons Pramod Kumar



Singh and Subodh Kumar Singh have already been granted bail by the then Co-ordinate Bench of this Court vide Cr. Misc. No. 44406 of 2014 with Cr. Misc. No. 45658 of 2014 under order dated 31.03.2015, annexed as Annexure-2 to the present bail application. The petitioner is a member of unlawful assembly and except this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 08.01.2024.

5.Learned A.P.P. for the State has opposed the prayer for bail petition of the petitioner and submitted that earlier the prayer for anticipatory bail of the petitioner was rejected by the then Co-ordinate Bench of this Court vide Cr. Misc. No. 34376 of 2014 under order dated 16.02.2015 and thereafter the petitioner surrendered in the learned court below on 08.01.2024 and moved before the learned court below for grant of regular bail on 22.01.2024 after a lapse of nine years. It is further submitted by learned A.P.P. for the State that the petitioner is named in the F.I.R. and despite having full knowledge of the case, the petitioner has evaded the process of law for so long years and he has prayed for grant of regular bail in the learned



court below on the basis of the privilege of grant of regular bail of other co-accused persons. In paragraph no. 126 of the case diary, it has been mentioned that the petitioner was shown to be not available and therefore, prayer was made by the Investigating Officer before the learned court below for issuance of process under Section 82 of the Cr.P.C. against the petitioner and the other co-accused persons. The investigation was shown to be pending against the petitioner in the original case diary for which the petitioner is solely responsible as he was absconding from the clutches of law.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Vaishali at Hajipur in connection with Desari (Sahdei O.P.) P.S. Case No. 99 of 2014 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds



of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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