

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34232 of 2024

Arising Out of PS. Case No.-108 Year-2023 Thana- NTPC KHAIRA District- Aurangabad

Lankesh Kumar @ Lankesh Singh @ Lokesh Singh, Son of Harendra Singh
Resident of Village- Dhawan, P.S.- Bikramganj, Post- Durgadih, District-
Rohtas, Bihar -802212.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with N.T.P.C. Khaira P.S. Case No. 108 of 2023 registered for the offences punishable under Sections 341, 323, 307, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act. He has got no criminal antecedent.

3. As per the prosecution story, on 05.12.2023 at 05:00 P.M., Prabhakar Singh @ Laddu Singh and this petitioner came at the house of the informant and at the instance of this petitioner, Prabhakar Singh @ Laddu Singh fired at the informant which hit his abdomen and he fell down. It is alleged that the said occurrence took place because the brother of the informant Harendra Singh got mutated the share of the land of



the informant in favour of his two sons, namely, Prabhakar Singh and Lankesh Singh.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case because of a land dispute. It is submitted that the informant and the accused persons are own gotiyas and there is no allegation against the petitioner of commission of any overt act.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the submission that the informant and the accused persons are own gotiyas and from the FIR itself it would appear that there is a land dispute between the parties and further submission that so far as this petitioner is concerned, he has been made accused alleging that at his instance Prabhakar Singh @ Laddu Singh had fired upon the informant, the submission is that there is no allegation that this petitioner has committed any overt act and there is no independent witness to corroborate the allegation, the submission on behalf of the petitioner having remained uncontroverted by learned APP for the State and on finding that the petitioner has no criminal antecedent, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the



petitioner above named be released on bail in connection with N.T.P.C. Khaira P.S. Case No. 108 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Aurangabad, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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