

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46924 of 2024

Arising Out of PS. Case No.-222 Year-2023 Thana- BIBHUTIPUR District- Samastipur

Lalan Singh @ Lulhwa Son of Shri Shiv Shankar Singh Resident of Village-
Shivnathpur, P.S.- Bibhutipur, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Ranjan, Advocate
For the Opposite Party/s	:	Mr. Arun Kumar Pandey, APP
For the Informant	:	Ms. Renu Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 12-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Bibhutipur P.S. Case No. 222 of 2023, dated 24-06-2023, instituted for the offence punishable under Sections 341, 342,302, 120B and 34 of the Indian Penal Code and Section 27 of the Arms Act, 1959.

3. As per the prosecution story, while daughter of informant, namely, Komal kumari along with her friend, namely, Anupriya was returning from coaching, in the meantime, named accused persons along with 4-5 unknown persons surrounded her. The informant was also going to his field taking the same route. Further, on the orders of petitioner



and one Sameer Bharti, co-accused Kundan Kumar shot his daughter in the head. Thereafter, the accused persons, namely, Sameer Bharti and petitioner fired indiscriminately before leaving the place. The informant reached near his daughter and found that his daughter was writhing on the ground and blood was oozing from her head. It is also stated that co-accused Rani Devi while running was uttering that failure to marry the accused has resulted into her death.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has been falsely implicated in this case. It is submitted that FIR has been lodged against four named accused persons as well as 4-5 unknown persons. Petitioner is named accused persons. The specific allegation of assault is against the co-accused, namely, Kundan Kumar of having shot dead the informant's daughter by opening fire which hit her head. It is next submitted that similarly situated co-accused namely, Sameer Bharti @ Pappu Singh has been granted bail *vide* order dated 23.05.2024 passed by this Court in Criminal Miscellaneous No. 27184 of 2024. It is further stated that no material has come to show the complicity of the petitioner in the alleged occurrence in any manner during the course of investigation. Lastly, it has been submitted that the



petitioner is in custody since 22.11.2023, he has eleven criminal cases against him out of which he has been acquitted in five cases and charge-sheet has been submitted in the case.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for bail of the petitioner and placed the confessional statement of co-accused Kundan Kumar in which he has confessed that petitioner has given him the pistol which he used to kill the informant's daughter.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Rosera (Samastipur) in Bibhutipur PS Case No. 222 of 2023, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.



3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

Sankalp/-

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