

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40565 of 2024

Arising Out of PS. Case No.-259 Year-2023 Thana- LAKHISARAI District- Lakhisarai

Sapan Kumar @ Surya Son of Fateh Singh Resident of Village-Pothanapur,
P.S- Barh, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Adv.

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 28-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Lakhisarai P.S. Case No. 259 of 2023 dated 07.04.2023, lodged
under Sections 302, 120(B) of the Indian Penal Code read with
section 27 of the Arms Act.

3. As per the prosecution case, FIR has been lodged
against six named accused persons and other unknown accused
persons against whom there is an allegation that they have killed
the informant's brother.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
submits that the petitioner is not named in the FIR. Counsel
further submits that the name of the petitioner has been figured



in this case only by virtue of the confessional statement of the co-accused, but the petitioner's role has not been identified in this case. Counsel further submits that the accused person who has disclosed the name of the petitioner has been granted bail by this Court *vide* order dated 05.03.2024 passed in Cr. Misc. No.81706 of 2023. Counsel submits that the criminal antecedent of the petitioner is not clean and there are three criminal cases pending against him in which in all the cases, he is on bail. The petitioner is in custody since 27.02.2024 in the present case.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that though the petitioner is not named in the FIR, but his name has been figured in this case by virtue of the confessional statement of the co-accused.

6. Upon specific query of the Court from the counsel for petitioner that whether charge has been framed in this case or not, counsel submits that as per his knowledge, charge has not been framed in this case.

7. In the present facts and circumstances of this case, let the petitioner above named be granted bail, but only after framing of charge, if not framed as well as on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are mentioned below,



on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S. Case No. 259 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.



8. Pending cases against the petitioner are as follows:-

(I)- Bakhtiarpur Rail P.S. Case No. 111 of 2019.

(II)- Barh P.S. Case No. 516 of 2023.

(III)- Lakhisarai P.S. Case No. 167 of 2020.

(Dr. Anshuman, J)

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