

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60139 of 2024

Arising Out of PS. Case No.-958 Year-2023 Thana- LAKHISARAI District- Lakhisarai

Chhotu Kumar S/o Late Katiman Yadav R/o vill - Bilauri, P.S. - Lakhisarai,
Distt. - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hafiz Shahbaz Arif, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-09-2024 Heard Mr. Hafiz Shahbaz Arif, learned counsel for

the petitioner and Mr. Sanjay Kumar Singh, learned APP for the

State.

2. The petitioner is apprehending his arrest in connection with Lakhisarai P.S. Case No. 958 of 2023, F.I.R. dated 09.12.2023 registered for the offences punishable under Sections 323, 307, 427, 504/34 of the Indian Penal Code and Section 25(1-b)(i), 26, 27 and 35 of the Arms Act.

3. Allegation against the petitioner is that he along with other co-accused persons having armed with deadly weapons came at the field of the informant and also one of co-accused person namely Gautam Kumar fired from his illegal arms towards the informant.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against the petitioner rather there is specific allegation of firing against co-accused Gautam Kumar who happens to be the brother of the petitioner. He further submits that the present occurrence had taken place due to admitted land dispute.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries one more case other than the present one.

6. Considering the facts and circumstances of the case that there is no specific allegation of any assault or overt act or firing attributed against the petitioner and the petitioner happens to be the brother of co-accused Gautam Kumar against whom the allegation of firing, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten 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. 958 of 2023, subject



to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 shall remain physically present as directed 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) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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.

(Rajesh Kumar Verma, J)

Ibrar//-

U		T	
---	--	---	--

