

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62882 of 2024

Arising Out of PS. Case No.-127 Year-2024 Thana- NARHATT District- Nawada

Lalan Kumar Madhukar @ Lallan Kumar Madhukar, S/o Late Kameshwar Singh, R/o vill - Narayanpur, P.S. - Narhat, Distt.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Advocate
For the Opposite Party/s	:	Mr. Anant Kumar 1, Advocate
For the Informant	:	Mr. Rakesh Kumar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-12-2024 Heard Mr. D.K. Sinha, learned Senior Advocate appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State. The informant is represented by Mr. Rakesh Kumar Sharma, learned Advocate.

2. The petitioner apprehends his arrest in connection with Narhat P.S. Case No. 127 of 2024, registered for the offences punishable under Sections 147, 148, 149, 323, 307, 452, 354, 427, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. Based upon the written report the prosecution alleges while the informant alongwith other family members were sitting in their house, in the mean time, all the FIR named accused persons including the petitioner armed with deadly



weapons barged into the house. It is specifically alleged that the petitioner fired upon the informant, but it did not hit him. On the exhortation made by the petitioner, all the FIR named accused persons brutally assaulted the informant and others causing serious injuries.

4. Learned Senior Advocate referring to the FIR submitted that so far the allegation against the petitioner of causing firing is concerned, the same has been belied during the course of investigation as the bullet which is said to have been recovered from the place of occurrence differs from the bullet which has been sent to the forensic science laboratory. In this regard attention of this Court has been drawn to paragraph no. 91 of the case diary. It is further contended that except the alleged exhortation, there is no other allegation of causing any assault to any of the member of the informant is levelled against him. The co-accused Ankit Kumar, against whom there was omnibus allegation of causing assault to the informant and others, has been allowed the privilege of anticipatory bail by this Court in Criminal Miscellaneous No. 64964 of 2024 vide order dated 13.09.2024. Referring to paragraph no. 3 of the petition, learned Senior Advocate next contended that out of four criminal cases, in two of the cases either the petitioner has



been acquitted and the police has submitted final form which was duly accepted by the learned Trial Court. Moreover, the two other cases are of 2007 and 2011. It is lastly contended that in fact on account of a long standing enmity, the name of the petitioner has been implicated in this case, as he being *karta* of the family.

5. On the other hand, learned Advocate for the State as well as informant opposed the pre-arrest bail application and submits that apart from the four criminal antecedent, the petitioner is the main accused of committing the murder of the father of the informant for which Nawada Town P.S. Case No. 252 of 2007 is pending before the learned Trial Court. Learned Advocate for the informant further contended that the petitioner has always been indulged in causing such crime and in fact on the fateful day, the informant was fortunate enough that the bullet did not hit him.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the recovery of bullet from the P.O. has not been corroborated from the requisition of the bullets sent to the forensic science laboratory, coupled with the fact that no specific allegation of any assault has been made against the petitioner, save and except the order



giver, let the petitioner above named be released on bail, in the event of his arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-I, Nawada in connection with Narhat P.S. Case No. 127 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C and with a condition that the petitioner shall not be indulged in threatening the informant and his family members and intimidating the witness. In case the petitioner would be indulged in any such kind of activities, the informant shall be at liberty to file application for cancellation of his bail; with one further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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