

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81566 of 2023

Arising Out of PS. Case No.-860 Year-2022 Thana- LAKHISARAI District- Lakhisarai

Chhotu Kumar @ Sumit Kumar Son Of Nand Kishore Kewat @ Nand Kishor
Kewat R/O Village- Damodarpur Khurd, Tola- Pathala, P.S.- Lakhisarai,
Dist.- Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rabi Bhushan, Advocate
For the Opposite Party/s	:	Mr. Upendra Kumar, APP
For the Informant	:	Mr. Manoj Kumar No.1, Advocate
		Mr. Rajni Kant Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Lakhisarai P.S. Case No.860 of 2022, lodged on 23.10.2022,
under Sections 147/148/149/341/323/325/307/504/506 of the
Indian Penal Code. Later on offence under Section 302 of the
Indian Penal Code was added.

3. As per the prosecution, FIR has been lodged against
13 named accused persons including the present petitioner. The
specific allegation against the petitioner that he has assaulted
Virendra Kewat who was injured and during the course of



treatment he died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that it is true that allegation of attack on Virendra against the petitioner by sword but in the case-diary post mortem report has been attached and from the post mortem report it has been shown that the injury has been caused by hard and blunt substance. The sword is not a hard and blunt substance. Counsel further submits that the petitioner is in custody since 19.09.2023 and is accused in two more criminal cases, in which he is on bail and both the cases have been filed by the same informant. Counsel further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon the petitioner.

5. Learned counsel for the State opposes the prayer for bail.

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that in the case-diary the eyewitness is the brother of the informant, who has specifically alleged against the petitioner and story of assault is there.

7. It also transpires to this Court from the rejection



order that there is title suit pending between them and for the admitted land dispute the occurrence took place. It also clear from Annexure-P/3 that four accused persons have been granted bail by a coordinate Bench of this Court vide order dated 23.06.2023 passed in Cr. Misc. No.13234 of 2023.

8. Upon the specific query of the Court that whether charges have been framed or not. Counsel for the petitioner submits that he is completely unaware about this fact that charges have been framed or not.

9. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **only two months after framing of the charge and on being satisfied that petitioner is not absconding in the following cases, i.e., (i) Lakhisarai P.S. Case No.248 of 2019 and (ii) Lakhisarai P.S. Case No.825 of 2018**, 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.860 of 2022, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other 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.

(Dr. Anshuman, J)

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