

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83575 of 2023

Arising Out of PS. Case No.-52 Year-2000 Thana- LAKHISARAI District- Lakhisarai

DINESH SINGH SON OF LATE RAMNANDAN SINGH RESIDENT OF
VILLAGE - CHETAN TOLA KHUTAHA, P.S. - BARAHIYA, DISTRICT -
LAKHISARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Veena Kumari Jaiswal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Lakhisarai P.S. Case No. 52 of 2000 registered for the offences punishable under Sections 147, 148, 149, 307, 324 of the Indian Penal Code Section 27 of the Arms Act and later on Section 302 of I.P.C. has also been added vide order dated 15.02.2000.

3. As per prosecution case, on 03.02.2000 at about 5 PM in evening, informant received information that firing took place between two gangs of Ayudhi Singh and Mukhiya Maklu Singh at village Babhangama near Harohar river. Thereafter, informant alongwith police officials rush to the place of occurrence and saw that three persons were trying to flee



away and they were apprehended with the help of police personnel. It is alleged that arms and ammunition as well as live cartridges were recovered from their possession. It is alleged that the apprehended persons narrated the story how the encounter took place between the two gangs and one person received gun shot injury who later on died. It is further alleged that informant found a lot of cartridges and empty cartridges at the place of occurrence. Hence, F.I.R. was lodged against 25 persons and against 10-12 unknown persons.

4. Learned counsel for the petitioner submits that petitioner is not named in F.I.R. and his name has been surfaced in this case on the basis of secret information in the year 2020 and the source of said information has not been revealed. The petitioner has falsely been roped in the present case merely on the basis of suspicion. Except suspicion, there is nothing on record to demonstrate the complicity of the present petitioner with the allege occurrence. The F.I.R named accused persons namely Birju Singh has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 69753 of 2023 and the case of present petitioner stands on better footing as his name has been transpired in the case after 20 years of occurrence. Petitioner is in custody since 25.07.2023 and bears



criminal antecedent of two cases in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named 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. 52 of 2000, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for



cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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