

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37441 of 2025

Arising Out of PS. Case No.-254 Year-2019 Thana- BARACHATTI District- Gaya

Lakhan Kumar @ Lakhan Jee, aged about 33 years (Male), S/O Lakmi Sao @
Laxmi Saw, R/O Village- Rahni (Nain Sagar), PS- Barachatti, Dist- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Vijay Kumar, Advocate
For the Opposite Party : Mrs. Sharda Kumari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 02-07-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection
with Barachatti P.S. Case No. 254 of 2019 dated 19.06.2019
registered for the offences punishable under Sections 384, 385, 414,
406, 120B, 379 read with Section 34 of the I.P.C.

3. As per the prosecution story, a secret information was
received that some entry Mafia's through their henchmen take bribe
from bricks loaded with iron, coal and cement and make them cross
the 'Suryamandal Checkpost' illegally. Thereafter, a search was made
of the vehicles coming from Jharkhand side, police team saw a bike
coming and asked him to stop to which he did not respond, thereafter
he was nabbed by the police team and he disclosed his name as
Babar Khan and told he alongwith the petitioner and other co-



accused persons takes money from trucks loaded with cement, iron, coal and illegally gets them crossed from Jharkhand Border. He further disclosed that Mahtab Khan is the kingpin.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the name of the petitioner has surfaced in the present case on the basis of confessional statement of the apprehended co-accused person Babar Khan. Except the confessional statement of the co-accused person, Babar Khan, there is no other substantive evidence to suggest the implication of the petitioner in the present case. There is general and omnibus allegation against the petitioner. The petitioner has no concern with the alleged offence. No incriminating article has been recovered from the possession of the petitioner. It is further submitted that during the course of investigation, not a single independent witness has supported the prosecution case regarding the involvement of the petitioner in the present case. It is further submitted that other co-accused persons, namely, Raja Yadav @ Rajesh Kumar Yadav, Md. Sadik Khan @ Sadiqur Khan and Ravi Shankar @ Ravi Singh, Mahtab Khan and Tanvir Khan have already been granted anticipatory bail by the different Co-ordinate Benches of this Court in Cr. Misc. No. 5455 of 2020 vide order dated 02.09.2020, in Cr. Misc. No. 4945 of 2021 vide order dated 05.08.2021, in Cr. Misc. No. 58402 of 2023 vide order dated 20.09.2023 and in Cr. Misc. No. 962 of 2024 vide order



dated 24.01.2024, annexed as Annexures-P/2, P2/1, P3 and P4 to the present bail petition. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IIInd, Sherghati at Gaya in connection with Barachatti P.S. Case No. 254 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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