

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69827 of 2023

Arising Out of PS. Case No.-5 Year-2017 Thana- CHAKIA District- East Champaran

Laxmi Singh @ Laxmi Narayan Singh @ Munna S/O Late Binda Singh
Village Nankar Patahi, P.S. Patahi, Dist. East Champaran

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anshul, Sr. Adv
		Mr. Sanjeev Ranjan, Adv
For the Opposite Party/s	:	Mr. Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

7 10-04-2025 Heard learned Senior Counsel for the petitioner and
learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Chakia P.S. Case No. 05 of 2017 registered for the offences punishable u/s 302, 120(b) read with section 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the informant has alleged that four persons riding a motorcycle had come to the house and had fired upon his nephew namely Aakash Kumar and had also threatened the family members of dire consequences. Thereafter, all the four miscreants fled from the place of occurrence.

4. Learned Senior counsel for the petitioner has



submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR. The name of the petitioner has transpired in this case during the course of investigation in the confessional statement of the co-accused Tunna Singh (own brother of the petitioner). It has been submitted that during the course of investigation the co-accused Tunna Singh in his confessional statement has stated that in order to pressurize Pappu Khuswaha (informant) not to participate in a tender, Laxmi Singh (petitioner), Balmiki Singh and Arvind Singh were used to manage Pappu Khuswaha (informant), however, he was not conceding to their pressure. On account of such fact there was a meeting held at Bariyarpur and it was planned that Pappu Khuswaha (informant) should be eliminated. Lastly it was submitted that similarly situated co-accused person has already been granted bail by the Co-ordinate Bench of this Court vide order dated 09.02.2021 passed in Cr. Misc. No. 33502 of 2020. The petitioner has twenty two antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 03.02.2017.

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

6. Considering the aforesaid facts that there is no



direct allegation of firing upon the deceased by the petitioner and he was admittedly at the relevant time in jail and taking into consideration the confessional statement of the co-accused Tunna Singh, who has merely alleged that Laxmi Singh (petitioner) was used only to pressurize Pappu Khuswaha (informant) and also taking into account that the petitioner is in jail since 03.02.2017 in the present case and also the fact the trial is not likely to be concluded in near future, let the petitioner above-named, be enlarged 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 Court concerned, East Champaran at Motihari in connection with Chakia P.S. Case No. 05 of 2017.

7. However, it is made clear that the petitioner shall participate in the trial and his unauthorized absence from trial proceedings on two consecutive occasions, without seeking prior permission of the Trial Court, would render the bail granted to the petitioner liable to be cancelled.

8. The application stands allowed.

(Sourendra Pandey, J)

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