

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25608 of 2016

Arising Out of PS.Case No. -131 Year- 2010 Thana -MAHESI District- EAST
CHAMPARAN(MOTIHARI)

=====

Gautam Thakur @ Gautam Kumar @ Gautam Kumar Thakur, Son of
Ganesh Thakur, resident of Village- Sulsabad Barharwa, P.S.- Mehshi,
District- East Champaran (Motihari).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Hari Kishore Thakur, Advocate.

For the Opposite Party : Mr. Sri Brajendra Nath Pandey

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 11-08-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 30.01.2016
in connection with Sessions Trial No. 1208 of 2016, arising out of
Mehsi P.S. Case No. 131 of 2010 for the offences instituted under
Sections 302, 324 and 307/34 of the IPC.

The prosecution story, in brief, is that while the
informant alongwith her husband and Dewar were returning after
finishing panchayat work from the Block, the petitioner alongwith
Mukesh Pathak @ Chutul Pathak, Shyam Sundar Thakur, Pawan
Kumar Upadhyay, Awadh Kishore Upadhyay, Nikesh Dubey and
three unknown persons surrounded them with sophisticated
weapons. On the order of Shyam Sundar Thakur, Mukesh Pathak
made a fire on the head of the husband of the informant. Shyam

Sundar Thakur shot fire on his neck and Nikesh Dubey and Pawan Kumar Upadhyay also made fire from their respective weapons and fled away from there as a result of which he died. One Rais Ansari also sustained injury.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 30.01.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He has got no criminal antecedent. No overt act has been alleged against the petitioner. Specific allegation has been made against co-accused Mukesh Pathak, Shyam Sundar Thakur, Pawan Kumar Upadhyay and Nikesh Dubey.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-Vth, Motihari, in connection with Sessions Trial No. 1208 of 2016, arising out of Mehsi P.S. Case No. 131 of 2010.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)