

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5124 of 2017

Arising Out of PS.Case No. -48 Year- 2016 Thana -SAHPUR District- BHOJPUR

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Madan Thakur @ Madan Kumar Thakur, son of Sri Satya Narayan Thakur,
resident of Village- Nauranga, Police Station- Bairiya, District- Balia (U.P.)
..... Petitioner

Versus

The State of Bihar.

..... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh
Mr. Amrendra Kumar
For the Opposite Party/s : Mr. Sri Binod Kumar 3

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 17-03-2017 Heard the parties.

This application has been filed in connection with Shahpur
P.S.case No.48 of 2016 for the offence under Sections 147, 148,
149, 341, 324, 307 & 302 of the Indian Penal Code.

It is submitted on behalf of the petitioner that there is no
specific allegation of overt act as alleged against this petitioner
and he is in custody since 29.09.2016. It is further submitted that
the other co-accused persons, having similar allegation, have
already been granted bail by this Court, vide order dated
26.09.2016 passed in Cr. Misc. No.33217 of 2016, dated
23.09.2016 passed in Cr. Misc. No.33013 of 2016 and dated
15.07.2016 passed in Cr. Misc. No.28045 of 2016.

Heard learned A.P.P. and the learned counsel for the
informant. The learned counsel for the informant tried to
distinguish the case of the petitioner from the other co-accused
persons, who have been granted bail, stating that the Motorcycle



and Gun of the petitioner have been recovered from the place of occurrence.

Having heard both sides and from perusal of the record, it appears that there are allegation against the petitioner and other co-accused persons of indiscriminately firing on the deceased causing his death and the other co-accused, having similar allegation, have been granted bail by this Court, as stated above as well as the petitioner is in custody for about eight months.

Considering the aforesaid facts, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Addl. Chief Judicial Magistrate-XIV, Bhojpur, Ara in connection with Shahpur P.S.Case No.48 of 2016

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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