

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19296 of 2018

Arising Out of P.S. Case No. -291 Year- 2017 Thana -MARHAURA District-
SARAN

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Shivji Singh @ Shivji Thakur, Son of Late Jaganath Singh @
Jaganath Thakur, Resident of Village-Nethua, P.S.-
Marhowrah, District-Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Shashi Bhushan Kr. Manglam, Adv.

For the Informant: Mr. Narendra Kumar, Adv.

For the State : Mr. Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

6 26-10-2018 Heard the learned counsel for the petitioner,
informant and the State.

The petitioner had earlier approached this Court
for grant of bail *vide* Cr. Misc. No. 53815 of 2017, which was
dismissed as withdrawn by order dated 27.11.2017 with the
liberty to approach the Court again after a reasonable period
of time.

This Court has been informed that the petitioner
has remained in jail since 29.08.2017 and one of the similarly



situated co-accused person has been granted bail by a Bench of this Court *vide* order dated 20.09.2018 passed in Cr. Misc. No. 47291 of 2018.

The records reveal that for the murder of the father of the informant, the mother of the informant had filed a case *vide* Marhowrah P.S. Case No. 148 of 2004. It has been alleged in the subject F.I.R. that the mother of the informant was being pressurized for settling the case with the accused persons. The main accused of the aforesaid case is one Munna Thakur and the petitioner stands in special relation to Munna Thakur as he is his father. The allegation in the F.I.R. is that on 09.07.2017, when the family members of the informant were sleeping in their respective rooms, the informant heard a sound of firing. When he came out of his room, he saw the petitioner along with others fleeing away. Thereafter, the informant returned to the room where his mother was found lying in a pool of blood. In the background of the fact that the father of the informant was killed and in which case the son of the petitioner was made an accused, an inference was drawn by the informant that the petitioner, who is the father of Munna Thakur, and others, after having failed in their attempt to have the case settled, murdered the informant, *i.e.*, the mother of the informant of the present case.



The learned counsel appearing on behalf of the petitioner has submitted that apart from this statement that the petitioner along with others were seen fleeing away, there is no other incriminating material which could be collected during the course of investigation. That apart, it has also been canvassed that the deceased has suffered only one gun shot wound and the petitioner or for that matter any other accomplice of his were not seen with any lethal weapons.

The report which has been received from the court below, *inter alia*, states that for framing of charge, a date on 06.09.2018 was fixed.

The learned counsel appearing for the petitioner, however, has submitted that till date, charges have not been framed.

Regard being had to the aforesaid facts as also taking into account that a similarly situated co-accused person has been granted bail by a Bench of this Court as well as the period for which the petitioner has remained in custody, this Court feels inclined to grant bail to the petitioner.

Let the petitioner, above named, be released on bail on his furnishing bail-bond in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned Judicial Magistrate, Ist Class, Saran at Chapra in connection with Marhowrah P.S. Case No. 291 of 2017.

It is made clear that the petitioner shall not cause delay in conclusion of the trial and shall participate in the trial in right earnest. If it is found that the petitioner is deliberately delaying the conclusion of the trial or is trying to tamper with the evidence, it would be open for the informant to approach the court below/Trial Court for cancellation of his bail.

(Ashutosh Kumar, J)

Praveen-II/-

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