

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12666 of 2019

Arising Out of PS. Case No.-466 Year-2017 Thana- MANIHARI District- Katihar

Mohan Thakur, Son of - Sudama Thakur, Resident of Village- Mohna-
Chandpur, P.S.- Barari, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 19-06-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 363 and 364 of the Indian
Penal Code.

According to the FIR, the petitioner and others
kidnapped the husband of the informant with intention to
commit murder and thereafter, the dead body of the husband of
the informant was found. The occurrence of kidnapping was
reported to the informant by Md. Faizul who was also along
with the victim, fishing in the river, at the time of occurrence.
The statement of Md. Faizul before the police would reveal that
he saw several persons of the group of the petitioner kidnapping
the deceased and he fled away due to fear. During investigation



independent witness Anil Mandal stated before the police that two groups one headed by the father of the deceased namely Md. Manir and another headed by the petitioner, wanted to show their supremacy and get forceful possession of the right to fish over the referred river and for that reason firing and counter firing had taken place on 23.10.2017 i.e. the alleged date of kidnapping and in that firing the husband of the informant Md. Minhaz Alam died.

Submission is that there is no evidence against the petitioner that he was directly involved in commission of occurrence nor it is specific that the petitioner was also present at the time of occurrence of firing. Petitioner is in custody since 10.07.2018. He is ready to cooperate with the trial.

Considering the entire facts and circumstances of the case, let the petitioner, above named, be released on bail after framing of charges and on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Manihari P.S. Case No. 466 of 2017, subject to condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below and the petitioner shall fully co-operate with the investigation/trial



of the case, failing which the court below shall be at liberty to
cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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