

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2367 of 2019

Arising Out of PS. Case No.-211 Year-2016 Thana- SITAMARHI District- Sitamarhi

Budhan Thakur, S/o Chandeshwar Thakur, Resident of Mohalla-Ward No.-3,
Marpa Issar Das, P.S-Majorgang, Dist-Sitmarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ritesh Kumar Narain Singh, Adv.

For the Opposite Party/s : Mr.Anil Kumar (App78)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

7 01-04-2019 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail registered
for the offences punishable under Sections 307/34 of the Indian
Penal Code and Sections 27 of the Arms Act.

Informant has alleged that on 07.04.2016 at about
8:30 A.M., while he was sitting in his shop of stone chips and
sand when an unknown person came and took out pistol from
his waist and started firing upon him as a result he fell
down and thinking him to be dead, he fled away on his
motorcycle with his associates. In the F.I.R. it has been further
stated that the neighbouring persons came and stated that
one unknown person has been seen fleeing away and he was
carried to hospital where his fardbeyan was recorded by the



police. Although, the case was instituted against unknown on the fardbeyan of informant but in his re-statement he has named petitioner as an assailant which has been also supported by other witnesses whose statement were recorded during investigation. Earlier the regular bail of the petitioner was dismissed as contained in Annexure-1 series on the ground that he has criminal antecedent and is accused in six criminal cases. Petitioner is in custody since 07.05.2016 and as per the status report received from the trial court his case has been committed to the Court of Sessions.

Considering the fact that in his fardbeyan informant has not named petitioner and F.I.R. has been registered against unknown and name of petitioner has surfaced in this case on subsequent re-statement of informant and other witnesses and considering the period of custody, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Sitamarhi P.S. Case No. 211 of 2016, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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