

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1974 of 2019

Arising Out of PS. Case No.-147 Year-2018 Thana- SAHIYARA District- Sitamarhi

Pappu Thakur Late Asharfi Thakur Resident of Village-Phulparasi, P.S.
Sahiyara, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamala Kant Tiwary

For the Opposite Party/s : Mr.Sri Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 21-01-2019 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the Informant.

Petitioner, who is in custody, seeks bail in connection with Sahiyara P.S. Case No. 147 of 2018 registered for the offence punishable under Sections 147, 148, 149, 302, 120B of the Indian Penal Code and 27 of Arms Act.

Allegation against the petitioner in the FIR is that he alongwith other FIR named accused indiscriminately fired at the son of the informant, who was sitting on a chair outside his house as a result of which her son fell on the ground and thereafter accused persons fled away on the motorcycle.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. Informant is not the eye witness to the occurrence. There is no specific allegation against the petitioner. Though the informant has alleged indiscriminate firing by all the accused persons but



in the post mortem report only one injury was found on the person of deceased. Petitioner has no criminal antecedent and he is in custody since 17.10.2018.

Learned Counsel for the informant has vehemently opposed the prayer for grant of regular bail to the petitioner.

Considering the aforesaid facts and circumstances of the case, 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 Chief Judicial Magistrate, Sitamarhi, in connection with Sahiyara P.S. Case No. 147 of 2018 subject to the conditions that:-

(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 his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(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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