

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29305 of 2019

Arising Out of PS. Case No.-1 Year-2019 Thana- BUXAR MUFFSIL District- Buxar

ROHAN KUMAR THAKUR @ DILJALE THAKUR Son of Late Sushil Kumar Thakur Resident of Village - Mitralok Colony, P.S.- Buxar (M), Dist.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan

For the Opposite Party/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-05-2019 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since 03.01.2019 in connection with Buxar (M) P.S. Case No. 01 of 2019 for offences punishable under Sections 399, 402 of the Indian Penal Code and Sections 25 (1-b)a, 26 and 35 of the Arms Act.

The prosecution case as lodged by the police personnel is that on secret information that some miscreants have gathered to commit Dacoity in the house of one Sandeep Yadav, the police conducted a raid. While two persons managed to flee away, the petitioner along with two others was apprehended. On search from the possession of the petitioner



one loaded pistol with one live cartridge and empty magazine were recovered and from the possession of the co-accused Kundan Kumar one loaded pistol and one live cartridge was recovered with empty magazine and from the possession of the co-accused Ankit Kumar two live cartridges were recovered.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that no overt act has been alleged to have been committed by the petitioner and one of the co-accused on similar allegation has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 28721 of 2019 dated 02.05.2019. He further submits that charge-sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and two more cases are pending against him one under the Arms Act.

Considering the nature of allegations, the materials on record and that charge-sheet has already been submitted coupled with the fact that one of the co-accused on similar allegation has been granted the privilege of bail, let the petitioner above named



be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Buxar (M) P.S. Case No. 01 of 2019, subject to the conditions:-

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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