

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46810 of 2019

Arising Out of PS. Case No.-271 Year-2018 Thana- SAHPUR District- Bhojpur

DINESH THAKUR @ SIPAHI, aged about 36 years, Male, S/o Indradeo Thakur, R/o village- Rajpur, P.S.- Bihiyan, (Bahoranpur O.P.), District- Bhojpur, Arah ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Malti Kumari, Adv.
For the Opposite Party : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 29-07-2019 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with Shahpur P.S. Case No. 271 of 2018 for the offences alleged under Sections 147, 148, 149, 353, 307 and 384 of the Indian Penal Code and 27 of the Arms Act.

The accusation is that on receiving the information in the morning of 29.08.2018 about movement of 17 persons, including the petitioner, for ransom and supremacy at Shahpur Ghat, the informant, along with other police officials, reached at village Suremanpur and encircled the road. Thereafter, 25-30 persons were seen, who were asked on loudspeaker for surrender, but, all started making firing towards police personnel. In self defence firing was also made by the police party, then, all started to flee away towards Suremanpur. At that



time 17 persons, including the petitioner, were identified by local Chowkidar, Nandjee. The informant, along with other police personnel, chased the miscreants and started search in village Suremanpur. Sonu Ram was found in his house and from his pocket one empty cartridge was recovered. Similarly, from the house of Bablu Ram five live cartridge were recovered from a bmx while house of Sonu Ram, Dharamlal Thakur and Dinesh Kumar Thakur (petitioner) were searched, but, they were not found at their house.

The submission of the learned counsel for the petitioner is that while the petitioner is named in the first information report, but, no specific overt act has been made against the petitioner. From the perusal of the first information report, it appears that the house of the petitioner is situated in village Rajpur, but, no incriminating article was found from the house of the petitioner. Petitioner has no criminal antecedent. Further submission is that due to dirty local politics the name of the petitioner was disclosed by the local Chowkidar.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of



surrender/arrest, within a period of four weeks from today, in connection with Shahpur P.S. Case No. 271 of 2018 shall be released on pre-arrest bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, XIV, Bhojpur at Ara, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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