

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52445 of 2019

Arising Out of PS. Case No.-5 Year-2018 Thana- BARARI District- Katihar

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MOHAN THAKUR Son of Sudama Thakur Resident of Village - Mohna
Chandpur, P.S.- Barari, Dist.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satya Ranjan Sinha

For the Opposite Party/s : Mr.Sanjay Kumar

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 15-10-2019 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner is in custody since 05.10.2018 on his
remand in connection with Barari P.S. Case No. 05/18 registered
for the offence punishable under Sections 147/148/149/341/ 342
/323/325/504/307/506/379 of the Indian Penal Code and Section
27 of the Arms Act.

Learned counsel for the petitioner submits that
admittedly, on perusal of the FIR, it is evident that the alleged
act of firing by the petitioner has not hit any body and the
informant has himself stated that he saved somehow. It is further
submitted that there has been no repetition of firing by the
petitioner and, therefore, there is no injury on the person of the
informant. Learned counsel for the petitioner further submits



that it is only on the basis of his implication in other cases that the petitioner has been remanded in connection with the present case and there is no independent witness to the occurrence as has been alleged by the informant. He thus submits that no case under Section 307 of the IPC is made out and the petitioner may be extended the privilege of bail. He next submits pointing to the previous antecedents of the petitioner that in none of these cases, the petitioner has been convicted and in many of the cases he has been granted bail.

Considering the aforementioned facts and circumstances, let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Fast Track Court, II, Katihar, in connection with Barari P.S. Case No. 05/18, subject to the following conditions:-

(1) One of the bailors will be the father of the petitioner.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons,



his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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