

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3193 of 2019

Arising Out of P.S. Case No.-194 Year-2018 Thana- DINARA District- Rohtas

1. Rajesh Thakur and
2. Brajesh Thakur @ Brijesh Thakur both sons of late Janardan Thakur,
resident of village-Koiriya, P.S. Dinara, District-Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate

For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 24-01-2019 Heard the learned counsel for the petitioners and
learned counsel appearing on behalf of the State.

Petitioners are languishing in judicial custody since
24.08.2018 in connection with Dinara P.S.Case No.194 of 2018
for the offence alleged under Section 307 of the Indian Penal
Code and other allied Sections of the IPC and Section 27 of the
Arms Act. Later on Section 302 of the Indian Penal Code has
been added.

The prosecution case as lodged by the informant is
that while she and her husband after dinner was sleeping in the
house, the petitioners along with seven other co-accused entered
the house, armed with weapons and while the co-accused ladies
were order giver, co-accused Bimlesh Thakur fired on the



informant's husband on his head and thereafter co-accused Ramashish Thakur fired indiscriminately upon the husband of the informant, who after being taken to the hospital died during course of treatment.

It has been submitted by the learned counsel for the petitioners that he is innocent except his name figuring in the FIR no overt-act has been alleged against them. He further submits that chargesheet has already been submitted and there being no allegation of tampering with the prosecution witnesses. He further submits that the two accused ladies who were alleged to be order givers have been enlarged on bail by a coordinate Bench of this Court in Cr.Misc.No.55036 of 2018 dated 10.10.2018 and one of co-accused on similar allegation has also been granted the privilege of bail by a coordinate Bench of this Court in Cr.Misc.No.68775 of 2018 dated 29.11.2018.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioners do not have a clean antecedent and one more case is pending against them.

Considering the facts and circumstances and the materials on record as well as the period of custody and that similarly situated co-accused on similar allegations have already been granted the privilege of bail, let the petitioners, above



named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Dinara P.S.Case No.194 of 2018 to the satisfaction Sri Lal Bihari Paswan, Judicial Magistrate, Ist Class, Bikramganj (Rohtas), subject to the following conditions:-

(i) One of the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating their relationship with the petitioners.

(ii) Petitioners 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.

(iii) If the petitioners 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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