

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75501 of 2019

Arising Out of PS. Case No.-758 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

Azad Thakur @ Abhishek Kumar Garg S/o Shyam Kumar Thakur @ Shyam Kishor Thakur, R/o village- Ahiyapur Jiyalal Chowk @ Chak Mohammad Near Janki Vivah Bhawan, P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-11-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Ahiyapur P.S. Case No. 758 of 2019 registered for the offences punishable under Sections 147, 148, 149, 323, 307, 324 of the Indian Penal Code and under Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner has been made accused in this case attributing no specific overt act of firing rather the allegation of firing is against co-accused. It is submitted that though the petitioner has so many criminal antecedent but in this case there is no incriminating material against this petitioner. The petitioner is in



custody since 20.07.2019.

Learned A.P.P. for the State has opposed the prayer for bail.

Considering the facts and circumstances of the case, wherein it is the submission of learned counsel for the petitioner that although the petitioner has got criminal antecedent as stated in Paragraph '3' of the application but so far as present case is concerned, he has been made accused saying that he was one among the six persons who had come to the door of the informant but the allegation of firing is specifically made against one Raja Thakur and there is no allegation of firing against this petitioner, this Court directs the release of the petitioner on bail in connection with Ahiyapur P.S. Case No. 758 of 2019 on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Muzaffarpur, subject to the condition that he will report to the Station House Officer of Ahiyapur Police Station over fortnight day and his attendance shall be marked by the S.H.O. as also that the petitioner will appear in course of trial on each and every date fixed in this case and any failure on his part to appear in course of trial consecutively on two dates, the court below shall cancel his bail



bond. If the petitioner does not report to the S.H.O. of the Ahiyapur Police Station as per the directions hereinabove, the S.H.O. shall take immediate steps for cancellation of bail bond of this petitioner and to arrest him and further subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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