

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27207 of 2018

Arising Out of PS. Case No.-6 Year-2017 Thana- HARSIDHI District- East Champaran

Sunil Thakur @ Sunil Kumar Thakur, son of Binod Thakur @ Vinod Thakur,
Resident of Village- Ajgari Chudiharwa Tola, P.S.- Banjariya, District- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Sri Bharat Lal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 04-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
06.02.2017 in a case registered for the offences punishable
under Sections 395, 397 of the Indian Penal Code and Section
27 of the Arms Act.

The prosecution case as per the written report of
Dhananjay Kumar Pandey dated 09.01.2017 submitted to the
Station House Officer of Harsidhi Police Station is to the effect
that on 08.01.2017 while the informant and his driver were
going on the tractor, in the meantime, one Marshal vehicle
overtook and stopped his tractor and thereafter, started
assaulting the driver of the informant and the persons who sat in



the Marshal vehicle were addressing each other as Jahir Mian, Vikash Ram and Kanhaiya, and Kanhaiya robbed the tractor of the informant. It is alleged against the petitioner that the petitioner poured ether on the face of the driver of the informant and also resorted to fire but it could not cause any injury.

It is submitted by learned counsel for the petitioner that the petitioner has been named, on the basis of namkes taken by the accused persons while addressing each other. It is further submitted that the petitioner has never been put on TIP, there is no recovery from the petitioner and there is specific accusation against Kanhaiya who robbed the tractor, who has been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 62452 of 2018. Though, the petitioner is accused in five other cases but he is on bail.

Learned APP after going through the case diary submits that there is confession of the petitioner, however, there is no recovery in pursuance to that confession.

Considering the period under custody and the fact that the main accused Kanhaiya Paswan has been granted bail, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate,



Motihari, East Champaran in connection with Harsidhi P.S.
Case No. 06 of 2017.

Since the petitioner is having serious criminal antecedent, the learned Court below will be at liberty to cancel the bail bonds of the petitioner in two eventualities; if the petitioner defaults for two consecutive occasions or gets involved in similar nature of offence.

(Dinesh Kumar Singh, J)

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