

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17352 of 2020**

Arising Out of PS. Case No.-247 Year-2019 Thana- SANGRAMPUR District- East
Champaran

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SHATRUDHAN THAKUR, Son of Late Mohan Thakur, Resident of Village -
Madhubani Tiwari Tola, P.S. - Sangrampur, Distt - East Champaran,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Adv.

For the Opposite Party/s : Mr.Bharat Bhushan, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 24-09-2020 Heard learned counsel for the petitioner and Mr. Bharat
Bhushan, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail
in connection with Sangrampur P.S. Case No.247 of 2019 registered
for the offences punishable under Sections 341, 323, 354, 379, 436,
504 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that on a
careful reading of the First Information Report it would appear that
though the name of this petitioner has been taken at first instance as
one of the persons who had asked the informant to keep there 50
bags of Jageri in his house which the informant refused to keep but in
the subsequent part of the FIR only three persons Sonu Thakur,
Shyamakant Thakur and Nanak Thakur have been named as those
who arrived at the door of the informant and entered in her house.
Subsequently, the name of this petitioner and Guddu Thakur has been



alleged saying that they had taken away the ornaments and cash and then all the accused persons had pulled the saree of the informant and then this petitioner and Guddu Thakur had set the house on fire due to which she-goat of the informant burnt away.

Learned counsel submits that there is an inordinate delay of ten days in lodging of the FIR and there is no explanation at all for the delay. The allegations are general and sweeping and in fact for the assault caused on Guddu thakur one Sangrampur P.S. Case No.9 of 2020 has been lodged. It is submitted that no seizure list of any burnt article has been prepared in this case and as such the whole allegations are only by way of superimposition.

On the other hand, learned APP for the State has opposed the prayer for anticipatory bail of the petitioner as according to him the name of the petitioner has transpired in the FIR as the person who had set the house of the informant on fire. Learned APP is, however, unable to controvert the submission of learned counsel for the petitioner that no seizure list of any burnt item has been prepared in this case.

Having regard to the facts and circumstances of the case and noticing that there are general and omnibus kind of allegations against all the accused persons, in the second part of the FIR this petitioner is not named among the three persons who had allegedly entered in the house of the informant and that there is no seizure list of any burnt article as has been alleged, let the petitioner above-



named in the event of his arrest or surrender within a period of four weeks from today in connection with Sangrampur P.S. Case No.247 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 14th Additional Chief Judicial Magistrate, Motihari, East Champaran, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the 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;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

