

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21281 of 2020

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

RAJA THAKUR @ AMISHEK KUMAR Son of Syam Kumar Thakur @ Shyam Kishor Thakur Resident of Village - Ahiyapur Jiyalal Chowk @ Chak Mohammad Near Janki Vivah Bhawan, P.S. - Ahiyapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh

For the Opposite Party/s : Mr. B. N. Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 20-08-2020 Heard Mr. P. K. Shahi, the learned senior counsel for the petitioner and the learned APP.

The matter has been taken up through video conferencing.

The petitioner seeks bail in Ahiyapur P.S. case No. 758/ 2019 registered u/s 147, 148, 149, 323, 307, 324 of the IPC and u/s 27 of the Arms Act.

The informant alleged that on 23.06.2019 when she along with her son, namely, Niraj Kumar, was going to sleep the petitioner along with other accused persons, having armed with different weapons, came and started breaking the gate of her house. They were shouting to kill the informant. The informant switched on the light and identified the petitioner, Raja Thakur, and other accused persons. The informant further alleged that petitioner made firing but none of the shots either hit the informant or her son.

The learned senior counsel for the petitioner submits



that prayer of petitioner for bail was earlier rejected by a coordinate bench of this court vide order passed in Cr. Misc. No. 73347/2019. The petitioner has already remained in jail for more than a year. There is, of course, allegation that petitioner made firing but no injury was caused either to the informant or her son. The prayer for bail was earlier rejected solely on the ground that petitioner has got criminal antecedent and he is accused in as many as 13 cases. It is submitted that petitioner has filed supplementary affidavit stating in paragraph 5 that most of the cases pending against the petitioner are either lodged by the informant or her relatives on account of different disputes going on between two sides and in all other cases the petitioner has already been granted bail (annexure-3 series). The petitioner undertakes that if he will commit any crime in future or he is implicated in any case his bail bond shall be cancelled.

The learned APP however opposed the prayer for bail.

It appears that altogether six persons are named in the FIR. The informant alleged that all the six accused persons, having armed with different weapons, came at her house and began to break the gate of her house. The informant came out from her house and switched on the light. She identified the petitioner and others. The petitioner made firing but nobody was injured and on this consideration all other accused persons have been granted bail. The prayer for bail of the petitioner was rejected solely on the ground that petitioner has got criminal antecedent but from perusal of paragraph 5 of the supplementary affidavit it appears that most of the cases pending against the petitioner are either filed by the relatives of the informant or the informant herself

Considering the facts aforesaid and the nature of



allegation made against the petitioner and the fact that petitioner has remained in jail for more than a year, the petitioner, above named, is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P.S. case No. 758/ 2019, subject to condition that if the petitioner is indulged in any criminal case in future not lodged by the informant or her relatives the learned court below shall cancel the bail bonds of the petitioner after hearing the petitioner.

(Prabhat Kumar Jha, J)

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