

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20405 of 2020

Arising Out of PS. Case No.-315 Year-2019 Thana- KARJA District- Muzaffarpur

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Saurabh Thakur, Son of Rakesh Thakur @ Rakesh Kumar Thakur, Resident of
Village - Aima, P.S. - Saraiya, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 24-06-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Karja P.S. Case No.315 of 2019 instituted for the offence punishable under Sections 393, 307 of the Indian Penal Code and Sections 27 of the Arms Act.

The case of the prosecution is that near Narhar Sarai



Petrol Pump three youth on a motorcycle overtook the informant. The person sitting in the middle fired two rounds, which did not hit the informant. The motorcycle and Rs.81,000/- withdrawn by the informant are alleged to have been taken away. Two of the three persons, namely, Ujjawl Kumar and Rupesh Kumar (co-accused) have been arrested in course of fleeing away. From their possession, country made pistol loaded with live cartridges, Samsung mobile phone and steel knife have been recovered. The petitioner has been named by these two persons as the third person who succeeded in fleeing away.

Petitioner's counsel submits that it is a case of false implication. He has not committed the offence. Admittedly, he has not been arrested at the spot nor is there any recovery of incriminating material from his possession nor has he been put on T.I. Parade. He has been implicated by the police owing to his criminal antecedents and in languishing in jail since 11.12.2019.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for bail.

Accordingly, let the petitioner, above named, 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 Sri Hemant Kumar, learned Judicial Magistrate, 1st Class, Muzaffarpur, in connection with Karja P.S. Case No.315 of 2019, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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