

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37271 of 2021

Arising Out of PS. Case No.-219 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

SUBHASH THAKUR @ MUNNA THAKUR, S/o Hari Shankar Thakur R/o
village- Patahi Roop, P.S.- Sadar, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 01-09-2021 Heard Mr. Rajesh Kumar, learned counsel for the
petitioner and Mr. Yogendra Kumar, learned Additional Public
Prosecutor for the State.

The petitioner seeks regular bail in connection with Sadar
Police Station Case No. 219 of 2020, registered for the offences
punishable under Sections 25(1-b)a, 26/35 of Arms Act.

This is the second attempt on behalf of the petitioner for
grant of regular bail inasmuch as earlier, the prayer for regular bail of
the petitioner was dismissed vide order, dated 23.11.2020, passed in
Criminal Misc. No. 28557 of 2020, giving liberty to the petitioner to
renew his prayer for bail after six months from the date of the order,
if the trial does not show any progress.

The prosecution story, as per the First Information Report,
is that the police, on the basis of the secret information that one
accused of Sadar Police Station Case No.218 of 2020, having beard



as per video clipping, namely Subhash Thakur @ Munna Thakur (petitioner) is at his house and he has looted cash, motorcycle and arms used in a bank dacoity, proceeded towards the house of the petitioner and recovered one pistol along with four cartridges from his waist, looted cash and motorcycle in connection with Sadar Police Station Case No.218 of 2020.

Learned counsel for the petitioner submits that while rejecting the bail application of the petitioner earlier, this Court had granted liberty to the petitioner to renew his prayer, if the trial does not show any progress. Accordingly, learned counsel submits that trial of the petitioner does not show any progress up till now and the petitioner is in custody since 25.04.2020.

This Court vide order dated 28.07.2021 had called for a report regarding the stage of trial in connection with Muzaffarpur Sadar P.S. Case No.219 of 2020 and in pursuance thereof, report has been submitted vide letter No.65/21 dated 06.08.2021 by A.C.J.M.-IX, Muzaffarpur (E) and from perusal of the same, it appears that charges have not been framed against the petitioner as yet.

Regard being had to the submissions advanced on behalf of the parties and taking into consideration the materials on record and the fact that the petitioner is in custody since 25.04.2020, the trial is not likely to be concluded in near future due to COVID-19



pandemic and this is the second attempt on behalf of the petitioner for grant of regular bail, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IX, Muzaffarpur, in connection with Sadar Police Station Case No. 219 of 2020, on the condition that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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