

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 300 of 2021**

Arising Out of PS. Case No.-332 Year-2019 Thana- DESARI District- Vaishali

RAJEEV THAKUR@ RAJEEV KUMAR THAKUR son of late Devendra
Thakur Resident of Village- Chamrahara, P.S.- Mahnar, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

For the Petitioner/s : Ms Bela Singh, Advocate
For the Opposite Party/s : Mr Mohammed Arif, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 03-11-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar.

The petitioner seeks bail in Desari (Sahdei OP) Police
Station (for brevity, *PS*) Case No 332 of 2019 dated 26.09.2019,
GR No 5449 of 2019 instituted for the offence punishable under
Sections 394, 302, 396 of Indian Penal Code and Section 27 of
Arms Act.

Case of the prosecution is that on 24.09.2019 at about
9 am, brother of the informant had gone to State Bank of India,
Mahnar Branch to withdraw money for the Customer Service
Centre being run by him where after the informant came to
know that at about 10.50 am, some unknown miscreants had
shot and injured his brother and had robbed him of the money



withdrawn from the Bank. Thereafter, the informant and his family members had rushed to the place of occurrence where the eye witnesses, present there, had narrated about the incident to the effect that two miscreants had overtaken the motorcycle of the brother of the informant and fired gun shots on him resulting injuries and had taken away the money bag. It is further alleged that the informant and others had carried the injured brother of the informant to Primary Health Centre, Mahnar where he was declared dead.

Petitioner's counsel submits that the petitioner is innocent. He has been falsely implicated in this case and though he is accused in two other cases but he is on bail in the said cases. It is further submitted that the name of the petitioner has transpired in this case on the basis of confessional statement of co-accused Ankit Kumar Pathak. Except the confessional statement of co-accused, there is no material against the petitioner to connect him with the alleged crime. It is also submitted that neither the petitioner is named in the First Information Report nor there is any recovery of looted cash from his possession and he is in custody since 05.05.2020. Co-accused Amit Mallik has already been granted bail by this Court by order dated 05.06.2020 passed in *Cr Misc No 18316 of 2020*.



Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate IV, Vaishali at Hajipur in connection with Desari (Sahdei OP) PS Case No 332 of 2019 dated 26.09.2019, GR No 5449 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as



pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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