

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7138 of 2021**

Arising Out of PS. Case No.-335 Year-2019 Thana- SAKRA District- Muzaffarpur

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KANHAIYA THAKUR @ KANHAI KUMAR Son of Prem Kishor Thakur
@ Prem Shankar Thakur Resident of Village - Hari Shankar Maniyari, P.S.-
Maniyari, District - Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur,Advocate

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

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

2 28-04-2021

Learned Counsel for the petitioner undertakes to
remove all the defects pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Narendra Kumar Singh, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Sakra P.S. Case No. 335 of 2019
registered for the offences punishable under Sections 399, 402
of the Indian Penal Code and Sections 25(1-b)a/26/35 of the
Arms Act.

Learned counsel for the petitioner submits that the
informant received information regarding assemblage of some
miscreants for purpose of commission of loot. The informant
reached at the given place and apprehended three persons. On



search one loaded country made pistol was recovered from the possession of Govind Das @ Pappu, one loaded country made pistol was recovered from possession of Santosh Tiwary and from possession of Raj Veer Singh one knife and three cartridges were recovered. One unsealed bottle of liquor of 750 ml, five plastic glasses and cigarettes were also seized near the place of occurrence.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has been brought in the present case on the basis of the confessional statement of the arrested persons. It is further submitted that there is no recovery from the possession of the petitioner. The petitioner is in custody in connection with the present case since 14.10.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case wherein the petitioner has remained in jail in connection with this case since 14.10.2020, investigation against him is complete and prior to the present case petitioner had got no criminal antecedent, nothing has been recovered from the possession of this petitioner as he was not apprehended on the spot, this Court



directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur, in connection with Sakra P.S. Case No. 335 of 2019, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and 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 or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order
shall not be delayed for purpose of or in the name of
verification.

The application stands allowed.

(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'.

