

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1994 of 2022

Arising Out of PS. Case No.-58 Year-2021 Thana- VIDYAPATINAGAR District- Samastipur

Shyamdeo Thakur Son Of Late Ramashray Thakur Resident Of Village -
Chamatha Majhil Khut, P.S.- Vidyapati Nagar, District - Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by the Stamp Reporter within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ajay Kumar Jha, learned APP for the State.

Petitioner in the present case is seeking regular bail in connection with Vidyapati Nagar P.S. Case No. 58 of 2021 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act. He is in custody since 15.07.2021. The petitioner has no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, when the husband of the informant was returning home, all the FIR named accused persons including this petitioner and some unknown persons stopped him and started



abusing him. When the husband of the informant protested, Shyam Deo Thakur (this petitioner) and Mira Devi assaulted on the leg of the husband of the informant with a piece of brick. Thereafter, co-accused Khesari Singh opened fire upon him as a result of which he died on the spot.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. It is submitted that though the petitioner is said to have assaulted on the leg of the deceased but the cause of death is due to firearm injury which has been attributed to co-accused Khesari Singh. The petitioner is in custody since 15.07.2021 having no criminal antecedent.

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

Having regard to the submission that in the First Information Report the specific allegation of firing upon the deceased is against co-accused Khesari Singh and from the impugned order also it appears that the doctor has found the cause of death due to hemorrhagic shock with brain damage due to firearm injury as mentioned in the *post-mortem* report, so far as this petitioner is concerned, the allegation against him is that he had assaulted on the leg of the deceased by a piece of brick in the alleged scuffle during laying down of the electricity pipe, the



petitioner has otherwise no criminal antecedent and has remained in custody since 15.07.2021, investigation against him is complete and his presence may also be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Dalsingh Sarai, District-Samastipur in connection with Vidyapati Nagar P.S. Case No. 58 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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'.

