

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7986 of 2022

Arising Out of PS. Case No.-462 Year-2019 Thana- MOTIPUR District- Muzaffarpur

Jitendra Thakur @ Jhunjhun Thakur S/o Sri Satrugan Thakur, Resident of
Village - Kushi Harpur Ramni, P.S. - Kanti, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Anjana, Advocate

For the Opposite Party/s : Mr. Anant Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 13-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Motipur P.S. Case No. 462 of 2019 registered
for the alleged offences under Sections 399/402 of the Indian
Penal Code and Section 25(1-b)a/26/35 of the Arms Act.

As per prosecution case, the police received secret
information about a gathering of accused persons of Kanti P.S.
Case No. 552 of 2019 along with some other criminals who
were armed with country made *katta* and pistol for committing
dacoity. A raid was conducted at the spot. Two accused persons
namely Aman Ojha and Aman Mishra were apprehended from



the spot and from their possession a loaded country made pistol with five live cartridges and a loaded country made *katta* with one live cartridge along with a motorcycle were recovered. The co-accused named the petitioner and other co-accused persons who fled away from the spot when the raid was being conducted.

The learned counsel for the petitioner submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his person or possession. The co-accused persons who were apprehended from the spot have been granted bail by a Co-ordinate Bench of this Court vide order dated 04.06.2022 passed in Criminal Misc. No. 18320 of 2020. The petitioner is in custody since 10.02.2021 and charge-sheet has been submitted in this case.

Learned APP for the State opposes the prayer for bail submitting that the petitioner is a habitual offender and is an accused in altogether ten case of similar nature.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the submission of charge-sheet and the period of the custody of



the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. (West), Muzaffarpur, in connection with Motipur P.S. Case No. 462 of 2019, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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