

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7160 of 2022

Arising Out of PS. Case No.-117 Year-2013 Thana- PHULPARAS District- Madhubani

BIDYA NAND THAKUR @ VIDYANAND THAKUR SON OF LATE
BANGAR THAKUR RESIDENT OF VILLAGE- BRAHAMPURA, P.S-
PHULPARAS, DIST- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar Bharti, Advocate
For the Opposite Party/s	:	Mr. Ram Sevak Choudhary, APP
For the Informant	:	Mr. Ashok Kumar Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 12-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Phulparas
P.S. Case No. 117 of 2013 registered for the offence under
Sections 341, 323, 324, 307, 504 and 34 of the Indian Penal
Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 08.10.2020.

The allegation against the petitioner is of firing upon
father of the informant, causing fire-arms injury on upper waist
of body (*Panjra*).



Learned counsel appearing on behalf of the petitioner submitted that injury report appears to be doubtful, as to suggest that injury was caused by gun-shot. It is also submitted that as petitioner was in Delhi in connection with his employment, therefore, he failed to appear before the trial Court timely and as such, non-appearance was neither intentional nor deliberate. It is also submitted that police after investigation found no case against this petitioner in Nirmali P.S. Case No. 141 of 2014 and in this connection final report was submitted before the court concerned. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, submitted that petitioner committed this offence, while, he was on bail in pending appeal before this Court in Session Trial No. 357 of 2005, after conviction. It is also submitted that occurrence is of 2013 year, where, process was initiated under Section 82 and 83 of Cr.P.C. in year 2014 and after six years this petitioner was arrested. It is also submitted that there is specific allegation against this petitioner, which is in full corroboration with injury



report.

In view of the submissions, as made above, as there is specific allegation to fire against petitioner after releasing from custody, while criminal appeal was pending before this Court, on conviction, this Court is not inclined to grant bail to the petitioner, at present.

Accordingly, the prayer of bail of the petitioner is rejected herewith.

Trial Court is directed to proceed with the matter, by taking it on board, on daily basis, so as trial may conclude within 03 (three) months from the date of receipt of a copy of this order, failing which, the petitioner shall be at liberty to renew his prayer for bail, if so advised.

Superintendent of Police, Madhubani is directed to produced the charge-sheeted witnesses, as and when directed by the Trial Court, for expeditious disposal of trial, within specified time, as directed above.

(Chandra Shekhar Jha, J)

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