

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.8331 of 2022**

Arising Out of PS. Case No.-41 Year-2021 Thana- BARARI District- Katihar

Sudama Thakur S/o Jay Thakur R/o village- Mohana Chandpur, P.S.- Barari,  
District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjeeb Kumar Sanju, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA  
ORAL ORDER**

3      25-07-2022                      Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 307, 427, 120B/34 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was added.

As per prosecution case, in brief, is that on 04.03.2021 the informant was going to Mohna Chandpur from Barari, in way accused persons surrounded him and at the instance of this accused petitioner, accused persons made firing from their arms and in that course uncle of informant sustained bullet injuries,



thereafter he was taken to KMCH, Katihar for treatment, and later he died.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that that there is admitted land dispute between the parties and to due to this reason the petitioner has been falsely implicated in the present case. He further submits that it appears from Annexure-2 that the wife of the petitioner has filed a case against the deceased and other persons and for that reason the petitioner has been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as case diary that there is no specific allegation of assault or firing against the petitioner. The petitioner is 70 years old person. He further submits that at best the petitioner is to be an order giver. He further submits that in fact the charge has already been framed against the petitioner on 30.10.2021 and the petitioner is in custody since 05.04.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



Court below where the case is pending in connection with Sessions Trial No. 273 of 2021 arising out of Barari P.S. Case No. 41 of 2021, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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.

**(Rajesh Kumar Verma, J)**

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