

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35476 of 2021

Arising Out of PS. Case No.-462 Year-2020 Thana- SAKRA District- Muzaffarpur

PREM NIWAS SON OF RAJ MANGAL THAKUR R/O VILLAGE- SAKRA
WAJID, P.S.- SAKRA, DIST.- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Vaishnavi Singh Mr. Udbhav
For the Opposite Party/s	:	Ms. Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 06-01-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Sakra Police Station Case No. 462 of 2020, registered for the offences punishable under Sections 147/148/149/302/448/323/307/427/354-A of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as per the First Information Report, is that while some children of the family members of the informant were playing on the road in front of their house, one Ravi Kumar Yadav objected and abused them and upon intervention of the informant, the accused persons named in the First Information Report came there and abused the informant



and others and co-accused Navin Thakur and Arun Thakur caught hold of Mahtab and Ravi Kumar inflicted knife blow on his chest. It has further been alleged that Vikash Kumar took out a revolver and fired upon the villagers, due to which Md. Kasim sustained fire arm injury on his armpit. In course of treatment, the injured Mahtab succumbed to the injuries.

Learned Counsel for the petitioner submits that the petitioner is not named in the First Information Report and from perusal of the First Information Report, it would be evident that the name of the assailant and the person who resorted to firing have specifically been mentioned. She further submits that in course of investigation, two of the witnesses have only stated that the petitioner was also present near the place of occurrence and except this, no material has come against the petitioner to connect him with the present offence. He further submits that the petitioner is in custody since 15.09.2020, having no criminal antecedent and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that the petitioner is



not named in the First Information Report, there is no allegation of assaulting or firing upon the petitioner, he has got no criminal antecedent, charge sheet has already been submitted and the petitioner is in custody since 15.09.2020, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 12th Additional Chief Judicial Magistrate, Muzaffarpur, in connection with Sakra Police Station Case No. 462 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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