

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27152 of 2022

Arising Out of PS. Case No.-300 Year-2021 Thana- WARISNAGAR District- Samastipur

AMAR JYOTI THAKUR Son of Shankar Thakur Resident of Village - Rohua
West , P.S.- Warisnagar, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Thakur, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-09-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Ajay Thakur, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Warisnagar P. S. Case No. 300 of 2021 registered for the offences punishable under Sections 302, 120(B) read with 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, it is alleged that on 08.11.2021, the informant's husband went to open his shop, in



the meantime, all the F.I.R. named accused persons along with 4 to 5 unknown persons came there and the co-accused Sima Devi threatened her husband either to compromise or to continue Warisnagar P. S. Case No. 209 of 2020, he has to face consequences and when the same was protested, she ordered her son to kill him, thereupon, co-accused Aman Kumar @ Raja wiped out his pistol and made indiscriminate firing over the husband of the deceased resulting into his death on the spot.

Learned counsel appearing on behalf of the petitioner submitted that admittedly on the alleged date of occurrence, the petitioner was behind the bar and from the F.I.R., it is evident that all the family members have been made accused in this case, though, specific allegation has been attributed against Aman Kumar @ Raja, who fired upon the deceased at the dictate of co-accused Sima Devi. It is next submitted that co-accused Sima Devi has already been granted bail by this court in Cr. Misc. No. 26600 of 2022 vide order dated 29.08.2022. It is last submitted that the petitioner is in custody since 25.01.2022.

On the other hand, learned counsel for the informant opposes the bail application and submits that in fact, the petitioner is one of the conspirators, who is responsible for



causing murder of the deceased. It is further submitted that the petitioner is also found accused in two other criminal cases.

In response to the aforesaid submissions, learned counsel for the petitioner submits that with regard to the one of the cases, the petitioner has already been acquitted and so far the second case is concerned, he is on bail.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that on the alleged date of occurrence, the petitioner was in custody and moreover, all the family members of the petitioner has been made accused in this case and he is said to be one of the conspirators, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Warisnagar P. S. Case No. 300 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.



- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 step for cancelling 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.

(Harish Kumar, J)

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