

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26524 of 2022

Arising Out of PS. Case No.-25 Year-2019 Thana- PIRPAINTI District- Bhagalpur

Basuki Thakur, Son of Sudama Thakur, Resident of Village- Mohna
Chandpur, P.S.- Barai (Semapur), Distt.- 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. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Sanjeeb Kumar Sanju, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Pirpaiti (Bakharpur) P.S. Case No. 25 of 2019 (S.T. No. 116 of 2021) registered for the offences punishable under Sections 307, 353/34 of the Indian Penal Code and Sections 25(1-b)a, 26, 27 and 35 of the Arms Act.

As per prosecution case, it is alleged that on 10.02.2019, the Special Task Force, Patna have raided the house of Dayanand Tiwary where allegedly miscreants were present. However, on noticing the police force, the miscreants started



firing upon the police force and in retaliation the police force also resorted to firing. It is further alleged that some of the miscreants managed to flee away and four of them including the co-accused Dayanand Tiwary were apprehended.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither arrested at the spot nor any incriminating material has been recovered. However, the apprehended co-accused Dayanand Tiwary disclosed the name of his associates, including the name of the petitioner. It is next submitted that co-accused Dayanand Tiwary, from whose house, the recovery has been made, has already been granted bail by the court below itself. It is lastly submitted that this petitioner has been remanded in this case from Pirpaiti P.S. case no. 216 of 2020 on 22.12.2020 and since then he is in custody.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner has multiple criminal antecedents, inasmuch as he is found involved in six other criminal cases.

Learned counsel for the petitioner, at this juncture, also stated that due to inadvertence in para.3 of the bail application he has mentioned only five cases, however, with regard to one another criminal case, it has been mentioned in



para. 9 of the bail application and for that he seeks apology from this Court.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered, save and except the disclosure made by Dayanand Tiwary, who has already been granted bail by the court below itself and this petitioner is in custody since 22.12.2020, let the petitioner, named above, 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 Additional Sessions Judge-V, Bhagalpur in connection with Pirpaiti P.S. Case No. 25 of 2019 (S.T. No. 116 of 2021), subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

uday/-

U			
---	--	--	--

