

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44584 of 2021

Arising Out of PS. Case No.-115 Year-2020 Thana- MADHAURAH District- Saran

SHEOJEE THAKUR @ SHEOJEE SINGH @ SHIVJI THAKUR Son of Late Jagarnath Thakur Resident of Village - Nethuwa, P.S. Marhaurah, District- Saran at Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Advocate Mr. Uday Shankar Singh, Advocate
For the informant	:	Mr. Bindhyachal Singh, Sr. Advocate
For the Opposite Party/s	:	Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 07-04-2022 Heard Sri Krishna Prasad Singh, learned Senior Counsel appearing on behalf of the petitioner, Sri Bindhyachal Singh, learned Senior Counsel appearing on behalf of informant and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with Marhaura P.S. Case No. 115 of 2020, for the offence punishable under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution story, in brief, is that on 23.02.2020 at about 8.00 A.M., the informant along with his son Arjun Singh were going to their grocery shop at Marhowrah Bazar in



the meantime, Sanjay Kumar Singh @ Tunna Thakur fired upon his son who died on the spot.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case merely on suspicion. He further submits that petitioner is aged about 84 years and allegation against him, at best, is that he is the order giver. He further submits that other co-accused namely Shatrudhan Ray @ Satrohan Rai and Tinku Singh @ Tinku Kumar Singh have already been enlarged on bail by this Court vide order dated 02.03.2022 passed in Criminal Miscellaneous No. 41341 of 2021 and vide order dated 23.03.2022 passed in Criminal Miscellaneous No. 47920 of 2021. The petitioner is in custody since 24.02.2020.

Sri Bindhyachal Singh, learned Sr. Counsel appearing on behalf of the informant, vehemently, opposed the prayer for grant of bail to the petitioner and he has drawn the attention of this Court about the criminal antecedent of the petitioner mentioned in paragraph No.3 of the bail application and he has every apprehension that petitioner will tamper with the evidence and influence the witnesses, therefore, releasing the petitioner on bail will be against the society.

Considering the rival submissions of the parties, the



petitioner against whom there is specific allegation of order giver and he is aged about 84 years, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ-IV, Saran at Chapra in connection with Marhaura P.S. Case No. 115 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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