

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46426 of 2022

Arising Out of PS. Case No.-353 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

Jugnu Thakur @ Satya Prakash S/o Sri Akhilesh Thakur Resident of Village -
Basudeopur Chaputa, P.S.- Hajipur Sadar, District - Vaishali-844102.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 05-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Hajipur Sadar P.S. Case No. 353 of 2022 lodged under Sections
302/34 of the I.P.C. read with Section 27 of the Arms Act.

As per the prosecution case, the informant has alleged
that the accused/petitioner alongwith other accused persons
have threatened to kill the brother of the informant 4-5 days
back to the occurrence dated 15.02.2022 at about 10 P.M. The
dead body of the informant was found near the house of one
Birju Singh. The informant has suspicion that the petitioner
alongwith other accused persons have committed murder of his

brother. With this allegation, this case has been filed.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. His name has falsely been implicated in this case by virtue of suspicion only. Counsel for petitioner submits that petitioner has having 8 criminal antecedents and only due to this reason, his name has figured in this case in connivance with the police. Counsel submits that the petitioner is in custody since 25.05.2022 and charge sheet has already been filed in this case and arms has not been recovered from his possession.

Learned counsel for the State opposes the prayer for bail and submits that there are 8 criminal antecedents of the petitioner. There is a strong suspicion against the present petitioner because the motorcycle on which the petitioner alongwith other accused persons and deceased were present in the previous evening has been recovered after death near the dead body of the deceased.

Upon specific query that whether charge has been framed in this case or not, counsel submits that presently, charge has not been framed.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner at present but liberty is hereby granted that

petitioner may renew his prayer for bail 3 months after framing of charge and the Trial Court is directed to release him on bail imposing its own conditions so that he may not evade during trial.

It transpires from the paragraph 3 of the petition that there are in total 9 criminal cases (including the present one) pending against the petitioner which belongs to the District and Session Judge Hajipur which are as follows:

- i. Hajipur Sadar P.S. Case No. 551 of 2015 lodged under Sections 385, 506, 353, 355, 442/34 of the I.P.C.
- ii. Hajipur Town P.S. Case No. 163 of 2013 lodged under Sections 447, 341, 323, 504, 506/34 of the I.P.C. read with Section 27 of the Arms Act.
- iii. Hajipur Sadar P.S. Case No. 404 of 2006 lodged under Sections 396/120(B) of the I.P.C.
- iv. Hajipur Sadar P.S. Case No. 304 of 2013 lodged under Sections 323, 341, 379, 411, 364/34 of the I.P.C.
- v. Hajipur Sadar P.S. Case No. 358 of 2013 lodged under Sections 302, 120(B)/34 of the I.P.C.
- vi. Hajipur Sadar P.S. Case No. 417 of 2014 lodged under Sections 341, 323, 307, 504, 326/34 of the

I.P.C. read with Section 27 of the Arms Act.

vii. Hajipur Town P.S. Case No. 789 of 2012 lodged under Sections 147, 148, 149, 341, 323, 325 & 307 of the I.P.C. read with Section 27 of the Arms Act.

viii. Hajipur Sadar P.S. Case No. 300 of 2020 lodged under Sections 302, 201, 420 & 406 of the I.P.C.

ix. Hajipur Sadar P.S. Case No. 353 of 2022 lodged under Sections 302/34 of the I.P.C. read with Section 27 of the Arms Act (present case).

Let the District and Session Judge Hajipur is directed to do the needful so that all the magisterial triable cases or sessions triable cases prior to commitment shall run before one Magistrate with one date and all sessions triable cases after commitment shall run before one Session Court with one date.

Let the copy of this order is communicated to the District and Session Judge Hajipur for information and necessary compliance.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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