

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44295 of 2022

Arising Out of PS. Case No.-462 Year-2019 Thana- MOTIPUR District- Muzaffarpur

Bittu Thakur @ Abhishek Kumar, Son of Late Yaduvansh Thakur, Resident
Of Village- Kushi Harpur, Ramani, P.S.- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate
For the State : Mr. Dinesh Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Motipur P.S. Case No. 462 of 2019 registered for
the alleged offences under Sections 399 and 402 of the Indian
Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per prosecution case, the police received secret
information about a gathering of accused persons of Kanti P.S.
Case No. 552 of 2019 along with some other criminals who were
armed with country made *katta* and pistol for committing *dacoity*.
A raid was conducted at the spot. Two accused persons namely
Amar Ojha and Aman Mishra were apprehended from the spot and

from their possession a loaded country made pistol with five live cartridges and a loaded country made *katta* with one live cartridge along with a motorcycle were recovered. The co-accused named the petitioner and other co-accused persons who fled away from the spot when the raid was being conducted.

Learned counsel for the petitioner submits that petitioner was not apprehended from the spot and nothing incriminating has been recovered from the person or possession of the petitioner. The co-accused persons who were apprehended from the spot have been granted bail by a Coordinate Bench vide order dated 04.06.2022 passed in Cr. Misc. No. 18320 of 2020. Another co-accused has been granted bail by this Court vide order dated 13.12.2022 passed in Cr. Misc. No. 7986 of 2022. Charge sheet has been submitted in this case and the petitioner is in custody since 10.02.2021.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that the petitioner is a habitual offender and is accused in altogether twelve cases of similar nature.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and also considering the

submission of charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Magistrate, West Muzaffarpur in connection with Motipur P.S. Case No. 462 of 2019, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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