

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54163 of 2021

Arising Out of PS. Case No.-67 Year-2021 Thana- BENIPATTI District- Madhubani

Devendra Nath Thakur Alias Rajiv Thakur Son Of Kamleshwar Thakur
Resident Of Village- Barha, P.S- Arer, Dist- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Shivnandan Bharti, Advocate

For the Opposite Party : Anita Kumari, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-01-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner seeks regular bail in connection with Benipatti P.S. Case No.67 of 2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 326, 307, 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

As per the FIR, earlier to the alleged occurrence, petitioner and other accused persons participated in a meeting held at the house of his co-villager Ashok singh and prepared the planing and collected the arms to be used in the offence.

Learned counsel for the petitioner submits that at best petitioner is alleged to have participated in the meeting held before the occurrence in which planning for committing the offence was hatched out and required arms were gathered. However, even in the FIR, petitioner has neither been alleged to be present at the place of occurrence nor any overt act regarding assault on the deceased or the injured persons, has been alleged



against him. Petitioner has got clean antecedent and he is in custody since 30.3.2021. Similarly situated co-accused Nikhil Kumar Jha has already been allowed bail by a co-ordinate bench of this Court vide order dated 12.1.2022, passed in Cr.Misc.No. 50748/2021.

Learned counsel for the State opposed the prayer for bail of the petitioner. He submits that there is specific allegation that petitioner and other co-accused accused persons in a planned conspiracy collected arms and killed five persons of the informant side.

Considering the rival submissions of the parties and the materials available on the record, prayer for bail of the petitioner is allowed. Let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate 1st, Benipatti in Benipatti Police Station Case No. 67 of 2021.

(Prabhat Kumar Singh, J)

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