

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23513 of 2023

Arising Out of PS. Case No.-538 Year-2022 Thana- KATIHAR NAGAR District- Katihar

MANISH KUMAR THAKUR @ GOLU Son of Lal Bahadur Thakur
Resident of Mohalla - Driver Tola, P.S.- Nagar, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 23898 of 2023

Arising Out of PS. Case No.-538 Year-2022 Thana- KATIHAR NAGAR District- Katihar

VISHAL CHOUHAN @ VISHAL CHAUHAN S/O BHARAT CHOUHAN
@ BHARAT CHAUHAN Resident of Village- Driver Tola ward no.- 17,P.S.-
Town, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 23513 of 2023)

For the Petitioner/s : Mrs.Usha Kumari 1, Advocate

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

(In CRIMINAL MISCELLANEOUS No. 23898 of 2023)

For the Petitioner/s : Mr.Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-07-2023 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

2. The petitioners seek bail, who are in custody since
08.09.2022 in connection with Katihar (T) P.S. Case No. 538 of
2022, F.I.R. dated 04.09.2022 registered for the offence under
Sections 147, 148, 149, 307, 302, 326, 504 and 506 of the



Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, 15-20 unknown persons brutally assaulted the informant and one Pappu Singh. It is further alleged that accused persons with intention to kill Pappu Singh and informant fired upon them due to which they fell down.

4. Learned counsel appearing for the petitioners submits that petitioner-Manish Kumar Thakur @ Golu has clean antecedent and petitioner-Vishal Chouhan @ Vishal Chauhan carries one more case other than the present one. They have falsely been implicated in the present case. Petitioners are not named in the FIR. The name of the petitioners have been transpired during investigation on the basis of the information given by the Spy as well as the confessional statement of the petitioner, namely, Manish Kumar Thakur @ Golu. Further submits that it has come during investigation that co-accused person, namely, Chhotu Paswan is order giver and the Bhaiya Paswan has fired upon Pappu Singh and Chintu Singh and it has also come during investigation that petitioner, namely, Manish Kumar Thakur @ Golu has also fired upon the victim. Further submits that except the aforesaid, no other cogent material has come during investigation against both the petitioners to suggest



the involvement of both the petitioners in the present occurrence. Further submits that similarly situated co-accused, namely, Shibu Sarkar @ Kaushal Sarkar, Vishal Kumar Paswan and Rakesh Kumar Paswan have already been granted bail by a co-ordinate Bench of this Court vide order dated 12.06.2023 passed in Cr. Misc. No. 29682 of 2023. Co-accused persons, namely, Md. Sabid Ali and Milan Ghosh have also been granted bail by this Court vide order dated 20.06.2023 passed in Cr. Misc. No.14549 of 2023 and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 08.09.2022.

5. Learned APP for the State has opposed the prayer for bail of the petitioners.

6. Considering the aforesaid fact, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Katihar (T) P.S. Case No. 538 of 2022, with the following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

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

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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