

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30727 of 2023

Arising Out of PS. Case No.-283 Year-2021 Thana- DESARI District- Vaishali

ANKIT KUMAR THAKUR @ ANKIT THAKUR, aged about 22 years
(Male), SON OF KRISHNAKANT THAKUR, RESIDENT OF VILLAGE-
RAMPUR BAHGEL, PS- DESARI, DISTT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Advocate

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 4 26-07-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.
2. Petitioner seeks regular bail in connection with
Desari P.S. Case No. 283 of 2021 dated 06.08.2021 registered
for the offence(s) punishable under Section(s) 302/34 of the
Indian Penal Code and Section 27 of the Arms Act.
3. This is second attempt of the petitioner for the
relief of regular bail after his earlier attempt for the same relief
was rejected by this Court vide order dated 31.08.2022 passed in
Cr. Misc. No. 15526 of 2022 and now the petitioner, who has
been languishing in jail since 21.10.2021, has come again for
the same relief by filing the instant petition.
4. The main submissions advanced by the learned



counsel for the petitioner are that after the rejection of petitioner's earlier bail prayer, co-accused Nitish Kumar @ Nitish Prasad @ Shaka @ Sajan @ Raja carrying almost similar nature of allegation has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.50614 of 2022 and the second ground is petitioner's long judicial custody which has been more than twenty-one months and so far as the merit of this case is concerned, there is no evidence against this petitioner, except the statement of co-accused who was arrested in another case, on which basis the petitioner has been dragged in this case and he is neither named in the FIR nor he was put on Test Identification Parade (T.I.P.) despite some witnesses having claimed to have seen the accused persons at the place of occurrence during investigation, though against the petitioner there are criminal antecedents of six cases but he has got bail in all these cases.

5. Learned APP appearing for the State has opposed the bail prayer.

6. Heard both the sides. Though there is a serious allegation against this petitioner but considering his judicial custody period which has been more than twenty-one months and one co-accused Nitish Kumar @ Nitish Prasad @ Shaka @



Sajan @ Raja, carrying almost similar nature of allegation, is on bail, in my opinion, in the present circumstances, the petitioner deserves a lenient approach of this Court. Accordingly, let the petitioner named-above be enlarged on bail **after framing of charge** in connection with Desari P.S. Case No. 283 of 2021 on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned on certain conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

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

(iii) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

7. As according to the report of the trial court, the petitioner's case is running for appearance of other co-accused persons, hence Trial Court is directed to take steps to separate



the petitioner’s case as per the procedure of law if in the next one month the other co-accused persons are not produced before the Trial Court.

(Shailendra Singh, J)

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