

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40933 of 2022

Arising Out of PS. Case No.-269 Year-2021 Thana- DAGARUA District- Purnia

Abhay Thakur @ Sashi @ Abhay Kumar @ Shashi Kumar @ Abhay Kr.
Thakur Son of Ravindra Thakur Resident of Village - Ekamba, P.S.- Jalalgarh,
District - Purnea.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Senior Advocate
	:	Mr. Suresh Prasad Sah @ Baranwal, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 15-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 341, 323,
302, 504, 506, 307 and 120(B) of the Indian Penal Code and
Section 27 of the Arms Act.

According to prosecution case, the co-accused Hemant
Thakur was in illicit relationship with co-accused Anu Devi. It
is further alleged that all the accused persons including the
petitioner attacked on them and at the command of the



petitioner, the co-accused fired upon them and killed Saroj Yadav and also fired upon the father of the Saroj Yadav causing two bullet injuries to both the victims.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that there is admitted land dispute between the parties. He further submits that it appears from the F.I.R. that the informant is claimed to be an eye witness of the alleged occurrence but during investigation in paragraph 36 of the case diary, she has categorically stated that when she heard *halla*, she came at the place of occurrence. He further submits that it appears from paragraph 36 of the case diary that the informant is not the eye witness of the alleged occurrence and on the basis of suspicion, the name of the petitioner has falsely been implicated in the present case. Vide order dated 07.11.2022, a report was called with regard to the stage of trial. Report dated 18.11.2022 reveals that the charge has been framed against the petitioner on 07.11.2022. He further submits that till date no witness has been examined by the prosecution and the case is running for the prosecution evidence.

Learned counsel for the petitioner submits that in view



of the report, the trial is not concluded in the near future. The petitioner is in custody since 21.09.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances and the period of custody, let the petitioner, above named, be released 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 learned Court below where the case is pending in connection with Dagaruwa P.S. Case No. 269 of 2021, subject to the following conditions:-

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

2. 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.

3. And further condition that the court



below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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