

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42912 of 2023

Arising Out of PS. Case No.-656 Year-2019 Thana- KANTI District- Muzaffarpur

BITTU THAKUR @ ABHISHEK KUMAR Son of Late Yaduvansh Thakur
Resident of Village - Kushi Herpur, Ramni, P.S.- Kanti, District -
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 21-07-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner seeks bail in connection with
Kanti P.S. Case No. 656 of 2019 registered for the offences
punishable under Sections 394 of the I.P.C. and under
Section 27 of the Arms Act.
3. As per prosecution case, four unknown
miscreants came on two motorcycle and fired upon the
driver of the informant which hit him on his right arm and
chest and snatched the bag from the informant in which Rs.
1,30,000/- (Rupees one lakh thirty thousand) was kept.
4. Learned counsel for the petitioner submits



that petitioner is not named in the F.I.R. During course of investigation name of present petitioner has been surfaced on the basis of confessional statement of co-accused Sundaram Kumar alias Monu. Except confessional statement there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Petitioner is remanded in the present case on 11.09.2020. Petitioner bears eleven criminal antecedents. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is innocent and has committed no offence as alleged in the F.I.R. Nothing has been recovered from the conscious possession of the petitioner. No T.I.P. has been conducted uptill now. Learned counsel further submits that co-accused Jitendra Thakur alias Jhunjhun Thakur has already been granted bail vide Cr. Misc. No. 59280 of 2021 and the case of present petitioner stands more or less on similar footing.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner keeping in view criminal antecedent of the petitioner.



6. Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties, co-accused persons have already been granted bail and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. IInd, Muzaffarpur in connection with Kanti P.S. Case No. 656 of 2019, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(v) If petitioner violates any of the conditions, the court below is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

amitkr/-

U		T	
---	--	---	--

