

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43913 of 2022

Arising Out of PS. Case No.-124 Year-2022 Thana- SARAIYA District- Muzaffarpur

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SUMANT THAKUR Son of Maujelal Thakur Resident at village- Shirkohiya,
P.S- Saraiya, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Madhav Roy, Sr. Advocate
	:	Mr. Rabindra Nath Tiwari, Advocate
For the Opposite Party/s	:	Mrs. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 11-04-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
25.02.2022 in connection with Saraiya (Jaitpur O.P.) P.S. Case
No. 124 of 2022, F.I.R. dated 24.02.2022 registered for the
offence punishable under Sections 302, 201, 120(B), 34 of IPC
and Section 27 of Arms Act.

The allegation as per the prosecution, 6 named
accused persons have alleged to kill the husband of the
informant. This is the apprehension caused in the F.I.R. The
petitioner is named in the F.I.R.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present case



on the basis of the confessional statement of the co-accused and self-confessional statement of the petitioner. Further submits that the informant is not the eye witness of the alleged occurrence and only on the basis of suspicion, the petitioner has falsely been implicated in the present case. Further submits that except confessional statement and suspicion, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and co-accused, namely, Braj Kishore Thakur has been granted bail on 16.03.2023 by learned I/C A.D.J.-1st, Muzaffarpur in pursuance to the order dated 19.09.2022 passed in Cr. Misc. No. 35942 of 2022 and the petitioner is in custody since 25.02.2022.

Vide order dated 15.02.2023, a report was called for with regard to the present status of the trial. Report of the learned Trial Court dated 20.02.2023 reveals that the charge has been framed against the petitioner and other co-accused persons on 05.12.2022 but till date no any prosecution witness has been examined.

Learned counsel for the informant and learned APP for the State have opposed the prayer for bail of the petitioner and submits that the sufficient material has come against the



petitioner to suggest the involvement of the petitioner in the present case. Further submits that the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

Considering the aforesaid facts, informant is not the eye witness of the alleged occurrence, co-accused person has been granted bail and the charge has been framed against the petitioner, 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 learned Chief Judicial Magistrate/ A.C.J.M.-4th, (West) Muzaffarpur in connection with Saraiya (Jaitpur O.P.) P.S. Case No. 124 of 2022, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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