

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55236 of 2023

Arising Out of PS. Case No.-86 Year-2023 Thana- PIYAR District- Muzaffarpur

Radan Thakur @ Abhinav Ratan Son of Late Srikant Thakur Village Tepari
PS-Piyar District Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Bela Singh, Adv.

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-09-2023 Heard Ms. Bela Singh, learned counsel for the

petitioner and Mr. Chandra Sen Prasad Singh, learned APP for

the State.

2. The petitioner apprehends his arrest in connection
with Piyar (Hattha O.P.) P.S. Case No. 86 of 2023 registered for
the offences punishable under Sections 25(1-b)a and 35 of the
Arms Act.

3. Allegedly, in the course of the investigation in
connection with Piyar P.S. Case No. 58 of 2022 instituted on the
basis of a written application filed by the mother of the
petitioner, the police came to know that in order to make the
offence serious, the petitioner himself dropped two cartridges
from his pocket at the place of occurrence and, as such, in the
light of the recommendation of senior police officers, the



present FIR has been instituted against the petitioner and his mother.

4. Learned counsel for the petitioner submits that initially, the mother of the petitioner had lodged Piyar P.S. Case No. 58 of 2022 against Abhinay Thakur and Munna Thakur with an allegation of assault and snatching of the valuables but, in the course of investigation, the police recorded the statement of three persons, namely, Aabhiranjan Kumar, Mahesh Kumar Rai and Krishan Nand Kumar, who in connivance with the accused persons of the said case, have stated that it is the petitioner who dropped two cartridges and barring this, there is no material suggesting the complicity of the petitioner. She further submits that apart from the statement of witnesses, nothing incriminating has been recovered from the whereabouts of the petitioner and moreover, he undertakes that he will fully cooperate in the investigation or in the proceedings of the Court.

5. On the other hand, learned counsel for the State opposes the bail application and submits that the petitioner wittingly in order to implicate the accused persons of Piyar P.S. Case No. 58 of 2022, has committed such a crime.

6. Regard being had to the submissions made on behalf of the parties and considering the statement of the



witnesses of Piyar P.S. Case No. 58 of 2022 and the inimical terms between the persons of both sides, apart from the allegation of dropping two cartridges on the place of occurrence, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, East Muzaffarpur in connection with Piyar (Hattha O.P.) P.S. Case No. 86 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with a further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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