

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57888 of 2022

Arising Out of PS. Case No.-58 Year-2022 Thana- AURAI District- Muzaffarpur

Mikki Thakur @ Mikki Mause Son of Mohan Thakur Resident of Village-
Bhutane, P.S.- Hathauri, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Punam Srivastava, Advocate
Mr. Pradeep Kumar Sinha, Advocate

For the State : Mr. Satya Nand Shukla, APP

For the Informant of Aurai
P.S. Case No. 217 of 2020: Mr. Pramod Kumar Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 20-03-2023 Let the defects, if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner, learned counsel for the informant(father of the deceased) of Aurai (Muzaffarpur) P.S. Case No. 217 of 2020 and learned APP for the State.

Petitioner seeks regular bail in connection with Aurai (Muzaffarpur) P.S. Case No. 58 of 2022, registered for the offences punishable under Sections 25(1-b)a, 26 and 35 of the



Arms Act.

As per the prosecution, the police personnel on secret information apprehended this petitioner along with co-accused persons and from the possession of this petitioner a live cartridge was recovered and from the possession of co-accused persons a country-made pistol and other incriminating articles were recovered.

The main submissions advanced by petitioner's counsel are that in the present matter as per allegation only one live cartridge was recovered from the possession of this petitioner and the petitioner has been charge-sheeted for the alleged crime and he has been languishing in jail since 23.03.2022 and during investigation no independent witness was examined by the investigating officer and one co-accused namely, Deepak Kumar from whose possession also one live cartridge was recovered, has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 52901 of 2022 and the petitioner's case is identical to the case of the said co-accused Deepak Kumar.

Learned counsel appearing for the informant(father of the deceased) of Aurai(Muzaffarpur) P.S. Case No. 217 of 2020 has argued that the petitioner and other co-accused of this case



were involved in the murder of informant's son for which Aurai(Muzaffarpur) P.S. Case No. 217 of 2020 was registered and in the light of the allegation of murder made in the said Aurai (Muzaffarpur) P.S. Case No. 217 of 2020 the petitioner does not deserve to the privilege of bail.

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

Heard both the sides and perused the FIR. Though the petitioner is also accused in two more cases in which one has been lodged under Sections 302, 201,506 and 34 of the Indian Penal Code as well as under Section 27 of the Arms Act but the instant matter relates to the recovery of firearm in which from the possession of this petitioner only one live cartridge is stated to have been recovered and in the present matter the petitioner has been languishing in jail for the last one year and one similarly situated co-accused person as mentioned above has been granted bail by a co-ordinate Bench of this Court. Considering all these facts, the petitioner is entitled to be released on bail. Accordingly, let the petitioner named-above be enlarged 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 concerned Court in connection with Aurai



(Muzaffarpur) P.S. Case No. 58 of 2022 on following conditions.

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below 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 his bail.

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

(Shailendra Singh, J.)

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