

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60975 of 2023**

Arising Out of PS. Case No.-195 Year-2023 Thana- UDWANTNAGAR District- Bhojpur

RUPAN THAKUR @ RUPAM THAKUR S/O AWADHESH THAKUR R/O
VILLAGE- BELAUR, P.S- UDWANTNAGAR, DISTT.- BHOJPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Baxi S.R.P. Sinha, Sr. Advocate Mr. Brajesh Prasad Gupta, Advocate
For the State	:	Mr. Amitesh Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 20-09-2023 Heard Mr. Baxi S.R.P. Sinha, learned Senior counsel
for the petitioner and learned APP for the State.

2. Petitioner seeks bail, who is in custody since 30.04.2023, in connection with Udwantnagar P.S. Case No. 195 of 2023, F.I.R. dated 29.04.2023 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in brief, is that on 28.04.2023 at about 07:30 P.M. some called on the mobile of informant's father that Mikhiya Butan Chaudhary and Upendra Chaudhary are calling him but the informant's father refused to go. At about 08:15 P.M. Rishi Chaudhary, Ritesh Chaudhary and Rupan Thakur came and forcefully taken away the



informant's father. After some time the informant himself went in search of his father and found that Butan Chaudhary, Upendra Chaudhary, Kariman Chaudhary, Rishi Chaudhary, Rishi Chaudhary, Rupan Thakur, Ranjai Saw and Ritesh Choudhary all were drinking liquor at a bed and are abusing his father and further on instigation of Upendra Chaudhary, Butan Chaudhary pointing the pistol at the temples of informant's father shoot him. Again Upendra Chaudhary fired and the bullet hit at the chest of the deceased. The fired bullet of Rishi Chaudhary hit at the stomach of his father and the fired bullet of Kariman Chaudhary hit at the hand of the informant's father, due to which he died.

4. Learned Senior counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that there is no accusation of assault or overt act attributed against the petitioner and at best the petitioner has called the victim along with other co-accused persons and other co-accused shot fire upon him. He further submits that there is no allegation of any firing attributed against the petitioner and police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 30.04.2023.



5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R. and it appears from the F.I.R. that the petitioner has called the victim and thereafter the incident has taken place and apart from the aforesaid, the petitioner carries two more cases other than the present one but fairly submits on the basis of paragraph-3 of the petition that the petitioner is on bail in both the cases.

6. Considering the facts and circumstances of the case, 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 Chief Judicial Magistrate, Bhojpur at Ara in connection with Udwanthnagar P.S. Case No. 195 of 2023, 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 witness, 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 antecedents, 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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