

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64675 of 2022

Arising Out of PS. Case No.-584 Year-2022 Thana- BRAHMPUR District- Buxar

Uday Thakur S/O Sanjay Thakur R/v- Baraki Nainijor, P.S.- Brahmpur
(Nainijor), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

3 23-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 414, 353, 307, 332, 333, 504, 506 and 34 of the Indian Penal Code and 25(1B)a/26/27/35 of the Arms Act.

According to prosecution case, on 06.08.2022, police got secret input that some miscreants were bringing liquor containing consignment from U.P. to Nainijor through Gangaji. They raided the spot where 6-7 unknown persons equipped with arms were present there, started firing at the police and in the due course some of them tried to flee away but two were caught



by the police including the present petitioner and one co-accused, namely, Anand Sharma. One loaded country-made pistol and four live cartridges were recovered from the pocket of the co-accused. Three stolen motorcycles were also recovered by the police.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that two live cartridges have been recovered from possession of the petitioner. He further submits that the petitioner has no concern at all with the alleged recovery of the motorcycle in question and the said three motorcycles have been recovered on the basis of the confessional statement of the co-accused, namely, Anand Sharma. He further submits that the petitioner is not the owner nor the driver of the seized motorcycle. He further submits that the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 08.08.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with Brahampur (Nainijor) P.S. Case No. 584 of 2022, 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 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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