

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64974 of 2022

Arising Out of PS. Case No.-329 Year-2021 Thana- KATRA District- Muzaffarpur

SAWAN THAKUR S/o Laxmeshwar Thakur R/v- Yajuar, P.S.- Katra,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with S.T. No. 197 of 2022 arising out of Katra P.S. Case No. 329 of 2021 registered for the offence under Sections 341, 307, 188, 414,/34 of the Indian Penal Code.

The case relates to recovery of one semi automatic pistol with two live cartridges in its magazine and motorcycle without paper.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that it appears from the F.I.R. and the seizure list that semi automatic pistol with two live cartridges in its magazine and motorcycle without paper from the conscious



possession of the co-accused, who happens to be pillion rider while the petitioner was the rider of the motorcycle. He further contends that, in fact, nothing incriminating has been recovered from the conscious possession of the petitioner. He further submits that Section 100 of the Cr.P.C. has not been compiled by the prosecution while preparing the seizure list. Moreover, co-accused, Avinash Mandal @ Chhotu Mandal has already been granted bail by a co-ordinate Bench of this Court vide order dated 14.02.2023 passed in Cr. Misc. No. 51966 of 2022. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 07.12.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries twenty two more cases other than the present one but fairly submits on the basis of submission made by the learned counsel for the petitioner that the petitioner has been allowed bail in twenty cases.

Considering the facts and circumstances of the case and the period of custody, let the, above named, petitioner 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 18th Additional Sessions Judge, Muzaffarpur in connection with S.T. No. 197 of 2022 arising out



of Katra P.S. Case No. 329 of 2021 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 canceled 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.

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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