

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80196 of 2023

Arising Out of PS. Case No.-200 Year-2012 Thana- MADANPUR District- Aurangabad

Subhash Thakur @ Anup Ji Son Of Ram Swarup Thakur R/O Village- Pakri,
(PAKRI Soheya), P.S.- Kothi (PRESENT P.S.- Suhai Saliya), District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 147, 148, 149, 341, 332, 333, 353, 307 and 302 of the Indian Penal Code and Sections 25(1-a), 26, 27 and 35 of Arms Act and Sections 3/4 of Explosive Substance Act and Section 17 of C.L.A Act.

3. As per prosecution case, on information having been received about the accused persons holding a meeting with the intent to damage public property, it is stated that a raid was conducted. The naxalites who had gathered, started to attack the police personnel with heavy firing etc. In the occurrence, one constable was killed while several were injured. It is stated that from the place of occurrence large amount of arms, ammunition



etc have been recovered. In course of occurrence on the names being called out between the accused persons, the name of eighteen accused persons transpired including this petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Nothing specific overt act has been alleged against him rather general and omnibus allegation has been levelled against all the accused persons. It is further submitted from para-9 of this petition that the petitioner was in judicial custody in connection with Nabinagar P.S. Cas No. 113 of 2003 from 16.03.2018 to 13.02.2020 but he was neither put on TIP nor was remanded in the present case. Nothing has been recovered from the conscious possession of the petitioner. Similarly situated other co-accused person has already been granted bail by another co-ordinate Bench of this Court vide Annexure-P/2 of this petition. Moreover, the petitioner is languishing in judicial custody since 14.08.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the



petitioner on bail. The above named petitioner is directed to be released on bail in connection with Madanpur P.S. Case No. 200 of 2012 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad.

(Sunil Kumar Panwar, J)

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