

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15787 of 2024

Arising Out of PS. Case No.-92 Year-2014 Thana- CHAKAI District- Jamui

Shankar Thakur, Son of Genda Thakur, R/o Village- Karhari, P.S.-
Bhelwaghati, District- Giridih (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 03-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Sessions Trial no.392 of 2023, arising out of Chakai P.S. Case no. 92 of 2014 registered under sections 307, 147, 148, 149, 353, 121, 121A, 120B of the Indian Penal Code, section 27 of the Arms Act, sections 3, 4 and 5 of the Explosive Substance Act, sections 10, 11 and 13 of the Unlawful Activities (Prevention) Act and section 17 of the C.L.A Act.

3. As per the prosecution case, it is stated by the informant that on receiving information about the movement of naxalites and supply of ammunition to them, the police personnel reached the place. It is stated that on proceeding toward the place, blast took place and indiscriminate firing was



started from the side of the naxalites. It is further stated that on inquiry it transpired that the petitioner was among the persons who had indulged in firing on the police personnel. Naxal as also some objectionable materials were found at the place of occurrence.

4. It is submitted by learned counsel for the petitioner that the earlier prayer for bail of the petitioner was rejected vide order dated 18.5.2023 (Annexure-1) passed in Cr. Misc. no. 24515 of 2023. It is submitted that though the case of the petitioner stands on a similar footing to that of co-accused Raju Yadav and Mantu Yadav who have been enlarged on bail vide orders dated 18.2.2016 and dated 21.1.2016, the main ground for rejection of the petitioner's application for bail was that he had absconded for about 8 years. It is submitted that the petitioner had not absconded but had gone out to earn his livelihood and he undertakes to cooperate in the trial and to abide by the conditions which may be laid down by this Court for his release on bail.

5. The application for bail is opposed by learned APP for the State.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 14.3.2024 of



the learned 2nd Additional District and Sessions Judge, Jamui out of the 12 charge-sheet witnesses 4 witnesses have been examined.

7. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, grant of bail to the above named co-accused Raju Yadav and Mantu Yadav vide aforesaid orders dated 18.2.2016 and 21.1.2016 together with the petitioner having remained in custody for over 1 year since 18.1.2023, the petitioner is directed to be enlarged on bail in connection with Sessions Trial no.392 of 2023 (arising out of Chakai P.S. Case no. 92 of 2014) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II, Jamui on the following conditions :-

(I) One of the bailors of the petitioner shall be a close relative of the petitioner.

(II) The petitioner shall remain physically present in the trial court on each date of the trial and shall cooperate in the trial.

(III) In case of the petitioner not cooperating in the trial or the petitioner remaining absent on any date for reasons not to the satisfaction of the learned trial court and the learned



trial Court being of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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