

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20835 of 2024**

Arising Out of PS. Case No.-109 Year-2023 Thana- HARLAKHI District- Madhubani

Sujit Thakur @ Khalifa Son Of Jibachh Thakur @ Dibasachandra Thakur  
Resident Of Village - Basopatti, P.S. - Basopatti, District - Madhubani

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

4      12-07-2024                      Heard learned counsel for the petitioner and learned  
APP for the State. Perused the case diary.

2. The petitioner seeks bail in Harlakhi P.S. case No.  
109 of 2023 instituted for the offences under Sections 307, 34  
of the Indian Penal Code and Sections 25(1-b)a, 26, 27 and 35  
of the Arms Act.

3. Prosecution allegation, in short, is that the accused  
persons including the petitioner came to the house of the  
informant and fired at his uncle due to which he sustained  
injuries.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has falsely been implicated in the  
present case due to previous enmity. Charge-sheet has been



submitted in this case under Section 307 I.P.C. Learned counsel for the petitioner submits that there is no eye witness to the alleged occurrence. Learned counsel for the petitioner submits that no incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner submits that nothing has come against the petitioner. The petitioner is in custody since 24.07.2023 and has one criminal antecedent in which he is on bail.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Witnesses in paragraphs 6, 7 and 8 of the case diary have supported the allegations made in F.I.R. The allegation is serious in nature and hence, the petitioner does not deserve the privilege of bail.

6. In this case, a report was called for from the Court below. It has been reported that charge was framed on 06.12.2023 and till date no witness has been examined from the side of prosecution.

7. Considering the aforesaid facts and circumstances of the case, stage of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing



bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Harlakhi P.S. case No. 109 of 2023 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) The petitioner will not hamper the trial or temper with any prosecution evidence. If he is found involved in such incidence, the prosecution shall have liberty to take steps for cancellation of bail granted to the petitioner.

**(Rudra Prakash Mishra, J)**

Pankaj/-

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