

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26521 of 2024

Arising Out of PS. Case No.-40 Year-2021 Thana- MOUZAHDIPUR District- Bhagalpur

Rahul Thakur, S/o Barun Thakur, R/o village-Aliganj Maheshpur, P.S.-
Mojahidpur (Babarganj), Distt. - Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-04-2024 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Mojahidpur (Babarganj) P.S. Case No.40 of 2021
registered for the offences punishable under Sections 147,
148, 149, 323, 341, 307, 504 of the Indian Penal Code as
well as Sections 3, 4 and 5 of the Explosive Substances Act.

3. The accused/petitioner is named in the FIR and
is in custody since 08.05.2022.

4. The allegation against the petitioner is of
hurling bomb on the informant and others along with other
co-accused, with intention to cause their death.

5. Learned counsel appearing on behalf of the



petitioner submitted that the occurrence was nothing but a free fight between the parties and for the same set of occurrence, Mojahidpur (Babarganj) P.S. Case No.41 of 2021 was lodged. It has been submitted that from bare perusal of FIR, it appears that informant himself was the aggressor. It has further been submitted that FIR, on its face, not suggesting that the bomb was thrown with intention to cause death. It is pointed out by learned counsel that similarly situated co-accused persons, namely, Shivam Kumar has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No.44458 of 2021 dated 22.02.2022. While concluding argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the occurrence was a free fight between the parties.

7. In view of above-mentioned facts and circumstances, as the occurrence was a free fight between



the parties, negating the intention, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 08.05.2022, accordingly, the petitioner, above-named, is directed to be released on bail 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 15th Additional Sessions Judge, Bhagalpur in connection with Session Trial No.532 of 2021/Tr. No.361 of 2022 arising out of Mojahidpur (Babarganj) P.S. Case No.40 of 2021, subject to the conditions as laid down under Section 437(3) of the CrPC and with further conditions:-

(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical



ground of the petitioner, duly supported by
the documents

(iii) That one of the bailors shall be
Ravi Kumar, who is the cousin brother of the
petitioner and deponent of the present bail
petition.

(Chandra Shekhar Jha, J.)

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