

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49873 of 2024

Arising Out of PS. Case No.-53 Year-2023 Thana- BIKRAMGANJ District- Rohtas

Mukesh Thakur @ Mukesh Kumar Thakur Son of Raj Kumar Thakur R/O-
Village- Bikramganj, P.S.- Bikramganj In The District of Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar, Advocate
For the Informant	:	Ms. Rashmi Kumari, Advocate
For the Opposite Party/s	:	Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-08-2024 Heard Mr. Sunil Kumar, learned counsel for the petitioner, Ms. Rashmi Kumari, learned counsel for the informant as well as Mr. Ajit Kumar, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bikramganj P.S. Case No. 53 of 2023, F.I.R. dated 05.02.2023 for the offences punishable under Sections 448, 307, 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, the petitioner along with one other co-accused person namely, Manoj Thakur armed with pistol came to the house of informant and started firing due to which the daughter of the informant got injured and then they both fled away.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



implicated in the present case due to village politics. He further submits that from the perusal of the F.I.R., it appears that although the petitioner is named in the F.I.R., but the specific allegation of firing is against the co-accused person namely Manoj Thakur and the said co-accused person has been acquitted from the charges vide order dated 07.10.2023 (Annexure-3) in Sessions Trial No. 522 of 2023. It appears from the order dated 07.10.2023, that the informant disclosed before the learned Trial Court that she had not seen the person who has committed firing.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, there is no specific allegation of firing against the petitioner and the co-accused person, namely, Manoj Thakur has been acquitted from the charges by the learned Trial Court, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Additional Chief Judicial Magistrate-I, Bikramganj, Rohtas in connection with Bikramganj P.S. Case



No. 53 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. 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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