

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59970 of 2024

Arising Out of PS. Case No.-13 Year-2024 Thana- VAINI District- Samastipur

Rakesh Thakur @ Rakesh Kumar Thakur S/O Late Ram Vilas Thakur R/o
Village- Waini, P.S- Waini, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Om Prakash Om
For the State	:	Mr.Bharat Lal
For the Informant	:	Mr. Abhishek Teerthankar
		Mr. Vinay Ranjan

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-08-2024 Heard Mr. Om Prakash Om, learned Advocate for the petitioner and learned Additional Public Prosecutor for the State. Mr. Abhishek Teerthankar, learned Advocate, who *suo motu* appears on behalf of the informant.

2. This is an application for grant of bail to the petitioner, who is in custody in connection with Vaini P.S. Case No. 13 of 2024, registered for the offences punishable under Sections 341, 307, 387, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. While the informant was walking in front of the door of one Ram Ahlad Thakur, in the meanwhile, three unknown miscreants came on a motorcycle. The pillion rider of the motorcycle came near the informant and demanded



Rs.15,0000/- within 10 days and threatened with dire consequences to kill. On protest, the miscreants opened fire due to which the informant sustained firearm injury on his leg and the miscreants also threw bomb upon him and fled away. The informant suspected the involvement of the petitioner in the crime as one of the conspirator.

4. Learned Advocate for the petitioner referring to the FIR contended that the narrations made in the FIR revolve around three unknown miscreants, save and except the allegation that the petitioner is said to be a conspirator of the crime, there is no material. It is next contended that even during the course of investigation nothing cogent has come barring suspicion, against the petitioner. The petitioner has been incarcerated since 27.06.2024 and now the investigation of the crime is complete. It is also the contention of the petitioner that though the allegation of firing has been levelled against unknown miscreants, however the injury sustained is found to be simple; in support of his contention, the injury report has also been brought on record by way of AnnexureP-2.

5. On the other hand learned Advocate for the State as well as the informant vehemently opposed the bail application and submitted that apart from two criminal antecedent of the



petitioner, as has been mentioned in paragraph-3 of the bail petition, the involvement of the petitioner cannot be ruled out, as there was prior enmity standing between both the parties. Learned Advocate for the informant tried to persuade the Court to call for the case diary in order to verify the facts of conspiracy.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the allegation of conspiracy, there is no other material and moreover the alleged occurrence, as is evident from the FIR, has been committed by the unknown miscreants and also the fact that the investigation of the crime is complete and the chargesheet has been submitted, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Waini P.S. Case No. 13 of 2024, subject to the condition that one of the bailors shall be the own/close family members of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.



(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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