

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62610 of 2024

Arising Out of PS. Case No.-176 Year-2022 Thana- PIRPAINTI District- Bhagalpur

Mohan Thakur Son of Late Sudama Thakur R/O Vill.- Mahna Chanpur, P.S.-
Semapur, Barari, Dist.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
Mrs. Vaishnavi Singh, Adv.
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 29-11-2024 Heard Mr. Ajay Kumar Thakur, learned counsel for
the petitioner and Madhura Nand Jha, learned APP for the State.

2. The petitioner seeks regular bail in connection with
Pirpanti P.S. Case No. 176/ 2022 dated 10.06.2022 registered
for the offence(s) punishable under Section(s) 364 read with
Section 34 of the Indian Penal Code .

3. The main submissions advanced by learned counsel
for the petitioner are that there are two parts of the F.I.R, first
part of the F.I.R. relates to the co-accused Yogesh Yadav who
took the elder brother of the informant, Gautam Kumar Yadav
with him and the second part relates to this petitioner and other
accused persons and as per the allegation, when the informant's
elder brother was on way, he was abducted by this petitioner and



other accused persons but in respect of this allegation, the informant has not disclosed his source of information and he is said to have not witnessed the second part of the occurrence. It is further submitted that two co-accused persons, namely, Sonu Kunwar @ Sonu Kumar Kunwar and Jugesh Yadav @ Yogesh Kumar Yadav, who are also alleged to have participated in the second part of the occurrence, have been granted bail by a co-ordinate bench and by the then co-ordinate bench of this court, respectively and the petitioner's case is completely identical to the case of both the co-accused persons. It is further submitted that during the course of investigation, no direct evidence showing the petitioner's involvement in the alleged abduction has come into light except a phone call which is said to have been made by the abducted victim to one Munna Kumar Yadav but the same is not sufficient to implicate the petitioner in the alleged crime. It is further submitted that the petitioner has been languishing in jail since 24.10.2023 and investigation has been completed against him in this matter.

4. On the other hand learned APP appearing for the State has opposed the bail prayer of the petitioner and submits that there are several criminal antecedents against the petitioner.

5. Heard both the sides, perused the F.I.R. and the



case diary. The petitioner is named in the F.I.R. and the instant matter relates to abduction of informant’s elder brother, though, the informant has not claimed to have seen the second part of the occurrence relating to the alleged abduction but during investigation, it has come to light that on the direction of this petitioner, the victim was abducted. The petitioner is said to be the leader of his gang and there is terror in the informant’s area because of petitioner and there are altogether 31 criminal cases against him.

6. Considering these facts, this court is not persuaded to take a lenient approach in respect of petitioner’s bail prayer at this stage. Accordingly, the prayer stands rejected.

7. The trial court is directed to expedite the trial of the petitioner if the same has started and take steps to conclude the same in the next 18 months. The petitioner may renew his bail prayer after the said period if no significant progress is made in his trial.

(Shailendra Singh, J)

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