

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67413 of 2024

Arising Out of PS. Case No.-181 Year-2022 Thana- BHAIKAVSHTHAN District-
Madhubani

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Ajay Kumar Thakur @ Ajay Thakur Son of Babaji Thakur @ Bavaji Thakur
Resident of Village- Mujiyasi, P.S.- Ghoghardiha, District -Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Nitu Kumari, Advocate Mr. Jitendra Kumar Bharti, Advocate
For the Opposite Party/s :		Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-11-2024 Heard Ms. Nitu Kumari, learned counsel for the

petitioner and Mr. Bhanu Pratap Singh, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
08.01.2024 in connection with Bahiravshthan P.S. Case No. 181
of 2022, F.I.R. dated 28.09.2022 for the offences punishable
under Sections 302 and 34 of the Indian Penal Code and Section
27 of the Arms Act.

3. According to prosecution case, two miscreants
came on motorcycle and one of them shot dead the son of the
informant who was opening his grocery shop.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the



present case. She further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Ranjay Yadav. She further submits that the petitioner has been remanded in the present case from Madhepur P.S. Case No. 294 of 2024 on 08.01.2024. She further submits that except the confessional statement of the co-accused, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. She further submits that the police after investigation submitted the charge sheet against the petitioner. She further submits that similarly situated, co-accused, namely, Ranjay Yadav who has confessed the guilt of the petitioner has been granted bail by this Court vide order dated 28.07.2023 passed in Cr. Misc. No. 35776 of 2023 and another co-accused, namely, Arvind Kamat has been granted bail by this Court vide order dated 03.04.2024 passed in Cr. Misc. No. 77304 of 2023. The petitioner is in custody since 08.01.2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits on the ground that petitioner carries three criminal antecedents other than the present one.



6. Considering the aforesaid facts and circumstances that the petitioner is not named in the F.I.R and the other accused persons have been granted bail by this Court, let the petitioner, above named, 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 District & Sessions Judge-I, Jhanjharpur, Madhubani in connection with Bhairavshthan P.S. Case No. 181 of 2022, subject to the 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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