

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75225 of 2023**

Arising Out of PS. Case No.-109 Year-2023 Thana- CHACKMEHSI District- Samastipur

Mukesh Thakur, Son Of Ram Sajiban Thakur, Resident Of Village- Sakaura,
Ps- Piyar, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 23-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case
instituted for the offence under Sections 394 and 302/34 of the
Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, some unknown persons
came on two motorcycles and fired upon the informant's elder
brother, due to which he succumbed to injury and one Kabindra
Ray sustained injury. It is further alleged that the miscreants also
looted 2 lakh cash, ATM Card and other documents and fled



away.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. Petitioner is not named in the FIR and the same has been lodged against unknown persons. During investigation, the name of the petitioner has come into light, on the basis of confessional statement of himself in another case. Petitioner is languishing in judicial custody since 06.07.2023.

5. Learned APP for the State has opposed the application for bail and submitted that as alleged looted cash of Rs. 30,000 and other incriminating articles have been recovered at the instance of the petitioner from his house and looted ATM Card, cash along with other documents from other co-accused persons, which has come in vide paras-56 and 57 of the case diary. He further submitted that at the instance of this petitioner two stolen motorcycles have also been recovered, which was used in the said crime. Petitioner has run a gang and he has been made accused in two more cases. During investigation several witnesses have also supported the prosecution case.

6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer



for bail stands rejected.

7. The trial Court is directed to conclude the trial expeditiously.

(Sunil Kumar Panwar, J)

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