

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16391 of 2025

Arising Out of PS. Case No.-39 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

Azad Thakur @ Aazad Thakur Son of Shyam Kishnor Thakur, Resident of Village-Chakmohabbat in front of Ganpati, Bivah Bhavan, P.S.- Ahiyapur, Distt.- Muzaffarpur. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. P.N. Shahi, Sr. Advocate Mr.Mrityunjay Kumar, Advocate
For the Opposite Party/s :	Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 13-10-2025 Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Ahiyapur P.S. Case No. 39/2023, registered for the offence under Sections 341, 324, 326, 307, 120B of the Indian Penal Code and Section 27 of the Arms Act.

3. The accused/petitioner is named in the F.I.R. and is in custody since 30.09.2024.

4. The allegation against the petitioner is to open indiscriminate firing upon the brother of the informant alongwith other co-accused persons, causing bullet injury.

5. Mr. P.N. Shahi, learned senior counsel, while arguing for the petitioner submitted that the allegation of firing is not specifically against this petitioner, as same is of indiscriminate



firing available against all named co-accused persons. It is pointed out that out of previous rivalry and criminal antecedents, petitioner implicated falsely with present case as he found involved in 11 more criminal cases, where he is on bail in 10 cases. It is pointed out that interestingly out of 11, 09 cases were lodged by the informant and his relatives against the petitioner. Arguing further, it is submitted by Mr. Shahi that as the brother of the petitioner was murdered by the informant's side, where this petitioner including others are witness, for said reasons the several criminal cases were lodged against the petitioner as to force them to compromise the murder case.

6. While arguing further, it is submitted by Mr. Shahi that petitioner remains in custody for more than one year and despite of same the matter was not even committed to the court of session and, therefore, it can be safely said that the trial of this case is not likely to conclude in near future. In this context, it is submitted that considering the custody period, co-accused Avinash Kumar with similar allegation has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 90246 of 2024 dated 24.01.2025.

7. Learned APP while opposing the prayer of bail submitted that the allegation of indiscriminate firing is also



available against this petitioner. However, he could not disputed the slow progress of trial.

8. Considering the aforesaid factual submissions and by taking note of fact that despite of custody of more than one year even this case was not committed to the court of session in view of Section 209 of the Cr.P.C./232 of the BNSS, suggesting *prima facie* that trial is not likely to conclude in near future, accordingly, petitioner above named, is directed to be released on bail in connection with Ahiyapur P.S. Case No. 39/2023, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District & Addl. Sessions Judge 20th, Muzaffarpur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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