

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19893 of 2025

Arising Out of PS. Case No.-151 Year-2024 Thana- Panapur District- Muzaffarpur

Ashok Kumar Thakur @ Ashok Thakur S/O Late Vishwanath Thakur R/O
Village- Arara @ Arra, P.S- Panapur Kariyat, Kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Santosh Pandey, Advocate
For the Informant	:	Sanjay Kumar @ S.K.Anjana, Advocate
For the Opposite Party/s	:	Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 28-05-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner seeks bail in connection with
Panapur P.S. Case No. 151 of 2024 registered for the offences
punishable under Section 103(1) and 3(5) of BNS and Section
27 of the Arms Act.

3. As per the FIR, it is alleged by the informant that
her son was killed by a gunshot by the enemy of Golu Thakur in
whose house her son Jitendra Kumar was working. It is further
alleged that when she reached there, she saw that her son was
lying by the side of the road in a pool of blood and was dead. It
is next alleged that on enquiry father of Golu Thakur, Ramekbal
Thakur and other villagers said that while Jitendra was taking



articles near Gumti, all eight named accused persons came and shot at Jitendra and killed him and when they raised the alarm, all, by posing with pistols, fled away.

4. Learned senior counsel for the petitioner submits that the petitioner has falsely been implicated in this case. From perusal of the FIR, it would appear that the informant is not an eyewitness to the occurrence and she is only a hearsay witness. The father of Golu Thakur, Ramekbal Thakur who had narrated the occurrence to the informant, was having enmity with all the named accused persons including this petitioner. It has further been submitted that before the present case, petitioner's side had lodged Panapur Karivat P.S. Case No. 149 of 2024 against Golu Thakur and in retaliation, petitioner has falsely been implicated in the present case. The postmortem report also shows one entry wound at the right angle of mandible one inch below the pinna, with blackening and one exit wound at the back of the skull in the occipital region. It has also been submitted that the I.O. has found the complicity of Chandan who was the man who shot at the deceased and there is nothing against this petitioner. It has lastly been submitted that the petitioner has an antecedent of two criminal cases and has been in judicial custody since 22.11.2024.



5. Learned APP for the State and learned counsel for the informant have opposed the prayer for regular bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account that the informant is not an eye witness, the nature of injury found in the postmortem report and that during investigation it has been found that one Chandan has fired upon the deceased, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 8th (West), Muzaffarpur in connection with Panapur Karivat P.S. Case No. 151 of 2024 subject to the following conditions :

a. One of the bailors of the petitioner shall be his close relative.

b. The petitioner shall remain physically present in Court on each date of the trial.

c. In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioner in similar nature of offence, the bail bond of the petitioner will be liable to be canceled by the Court concerned.



d. 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.

(Sourendra Pandey, J)

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