

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2556 of 2025

Arising Out of PS. Case No.-638 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Shashi Kumar Thakur @ Shashi Thakur @ Shashi Kumar Son of Shyam
Thakur @ Syam Thakur Village- Matihani, P.S- Matihani, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amar Kumar Singh, Adv.

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 27-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Muffasil P.S. Case No. 638 of 2021 instituted for the offences
under Section 216(A) of the Indian Penal Code and Section
25(1-B)A, 26, 35 of the Arms Act.

3. As per prosecution case, the police has recovered
one country-made pistol and two live cartridges from the rented
house of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
The petitioner was not arrested on the spot and his name has



surfaced in this case on the basis of the confessional statement of the co-accused Munni Devi before the police. He further submits that the petitioner lives separately from his family members and, he is not involved in the alleged occurrence in any manner. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. He has also no concern with the recovered article or the co-accused persons. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has altogether six criminal antecedents and has been remanded in this case on 13.06.2024 and since then, he is in judicial custody without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Sonu Kumar and others have been granted bail by a Co-ordinate Bench of this Court vide order dated 18.07.2022 passed in Cr. Misc. No. 21913 of 2022.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner as also the prayer for bail being based on parity, let the petitioner, abovenamed, 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 Court below/concerned Court in connection with Muffasil P.S. Case No. 638 of 2021, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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