

Guddu Thakur @ Guddu Sharma vs The State Of Bihar on 6 August, 2021

Author: Prabhat Kumar Singh

Bench: Prabhat Kumar Singh

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2555 of 2021
Arising Out of PS. Case No.-136 Year-2020 Thana- KARAI PARSURAI Distri
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GUDDU THAKUR @ GUDDU SHARMA S/o Late Shyam Thakur R/O
Merrhma jalalpur, P.S. Karai Parasurai, District - Nalanda.

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Patanjali Rishi

For the Respondent/s : Mr.Binay Krishna, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

3 06-08-2021

This matter is taken up for consideration through Video Conferencing.

Heard learned counsel for the appellant and the State. The present memo of appeal has been filed on behalf of the appellant for grant of bail against the order dated 18.03.2021 passed by learned Additional District and Sessions Judge I-cum-Special Judge (SC/ST Act), Nalanda in connection with Karai Parasurai P.S. Case No. 136 of 2020 under Sections 302, 201/34 of the Indian Penal Code, section 27 of the Arms Act and section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for bail of the appellant was rejected.

Prosecution case in brief is that son of the informant who was playing outside the house at around 6.30 pm and Patna High Court CR. APP (SJ) No.2555 of 2021(3) dt.06-08-2021 thereafter, he became traceless. Informant suspected that this petitioner along with other FIR named accused persons have kidnapped his child, as earlier they had threatened the informant that his son would be killed.

It is submitted on behalf of the appellant that save and except suspicion there is no substantive evidence which shows complicity of this petitioner in the alleged occurrence. Petitioner has been

made accused in this case due to past rivalry and both parties are agnates. No case under SC/ST Act is made out. Similarly situated co-accused Deena Thakur has already been granted bail by this Court vide order dated 16.07.2021 passed in Cr. APP (SJ) No. 2245 of 2021. Appellant has got clean antecedent and he is in custody since 11.03.2021.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 18.03.2021 passed by learned Additional District and Sessions Judge I-cum-Special Judge (SC/ST Act), Nalanda, is set aside.

Let the appellant 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 and Sessions Judge I-cum-Special Judge (SC/ST Act), Nalanda in connection with Karai Parasurai P.S. Patna High Court CR. APP (SJ) No.2555 of 2021(3) dt.06-08-2021 Case No. 136 of 2020, subject to following conditions:-

(i) The appellant 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 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.

(ii) If the appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the appellant.

(Prabhat Kumar Singh, J) vinita/-

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