

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36611 of 2017

Arising Out of PS.Case No. -35 Year- 2017 Thana -BHEJA District- MADHUBANI

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Baidyanath Thakur @ Chhedi Thakur Son of Late Durganand Thakur,
R/o Village- Baath, P.S.- Madhepur, District- Madhubani.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Lakshmi Kant Sharma, Advocate.

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 21-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 24.06.2017 in connection with Bheja P.S. Case No. 35 of 2017 for the offences alleged under Sections 302, 201/34 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated merely on suspicion and in the backdrop of admitted land dispute as evident from the F.I.R. itself. The informant is a witness to the sale deed in favour of the wife of the petitioner dated 04.11.2016 relating to the very same land with regard to which dispute exists between the parties.

4. Learned APP assisted by learned counsel for the informant opposes the bail petition submitting that the petitioner's name has surfaced on the confessional statement of one Sharda Devi from whose mobile phone, call had been made to the deceased as evident from paragraphs-32 and 33 of the case diary.

5. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above



named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Jhanjharpur, Madhubani in connection with Bheja P.S. Case No. 35 of 2017, on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

Md. Ibrarul/BT

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