

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.58753 of 2017

Arising out of P.S. Case No.75 Year- 2017 Thana-Madhepur

District-Madhubani

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Bikash Thakur @ Bikash Kumar Thakur, S/o Late Hari Thakur, R/o
Village- Rahua Sangram, P.S.- Bheja, District- Madhubani

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prafull Chandra Jha, Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

2 12-12-2017 Heard learned counsel for the petitioner and the learned
counsel for the State.

The petitioner is in custody since 29.08.2017 in connection with Madhepur P.S. Case No.75 of 2017 (G.R. No.1293 of 2017)registered for the offence under Sections 341, 323, 379, 504, 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that though there is specific allegation against the present petitioner that he had dragged the mother of the informant and taken her in a pond situated behind her house and repeatedly forced her to drown in the pond resulting in her death, the post-mortem report does not indicate any external injury to substantiate the prosecution case. It is further submitted that the present case is mere an aftermath of



the earlier case, bearing Madhepur P.S. Case No.66 of 2017, lodged by the petitioner against the in-laws of the deceased sister. It is submitted that it is only in order to compel the present petitioner to come forth on the terms of negotiation and compromise, that the present case has been lodged making such allegation. He further submits that no injury being found on the body of the deceased mother of the informant, the entire case stands falsified.

Considering the entire facts and circumstances of the case and the petitioner has been in custody for more than three months and has no other criminal antecedents, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Jhanjharpur, in connection with Madhepur P.S. Case No.75 of 2017 (G.R. No.1293 of 2017), subject to the following conditions:

(1) One of the bailors will be his own relative, namely, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present



in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate 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.

(Anjana Mishra, J)

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