

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22362 of 2019

Arising Out of PS. Case No.-29 Year-2013 Thana- PHULWARISHARIF District- Patna

Mukesh Thakur, son of Naresh Thakur, Resident of Village - Chipura, P.S.-
Gaurichak, Distt - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ganesh Prasad Yadav, Advocate
For the Opposite Party/s : Mr.Mohammad Sufyan, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 27-09-2019 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

The petitioner is in custody since 25.02.2013 in connection with Sessions Trial No.166 of 2014 arising out of Phulwarisharif P.S. Case No.29 of 2013 registered for the offence under Sections 302, 120B, 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the name of the petitioner has transpired in the confessional statement made before the police by one Raja which has come in the case diary. It is further submitted that on the basis of the confession made in connection with another case, the petitioner was remanded in connection with the present case and in this case, he has been made to confess before the police,



which forms the basis of the prosecution as against him. Learned counsel for the petitioner submits that the petitioner could not move the application for bail earlier for paucity of fund and also because he was in custody in connection with two other cases in which now he has been extended the privilege of bail from the court below. He thus submits that other similarly situated co-accused Basisth Prasad Singh @ Basisth Singh and Prashant Kumar have since been extended the privilege of bail in Cr.Misc. No.17718 of 2013, vide order dated 06.06.2013. He thus submits that the petitioner may also be extended the privilege of bail.

Diary in the present case was called for earlier, which has since been received.

Learned counsel appearing on behalf of the State submits that save and except the confessional statement made before the police by Raja followed by his own self-confession, which has no evidentiary value, there is no further material on record to connect the petitioner in the present case.

In view of the aforementioned facts and circumstances, 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



the learned Additional Sessions Judge XXII, Patna, in connection with Sessions Trial No.166 of 2014 arising out of Phulwarisharif P.S. Case No.29 of 2013, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother, son, 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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