

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.52611 of 2019**

Arising Out of PS. Case No.-173 Year-2010 Thana- KANTI THARMAL POWER District-  
Muzaffarpur

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Dharmendra Kumar @ Bholu Thakur @ Golu Thakur, S/o Ram Ekwai  
Thakur R/o Village- Arra, P.S.- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar @ S.K.  
For the Opposite Party/s : Mr.Ansar Ul Haque

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

4      20-11-2019                      Heard learned counsel for the petitioner and the  
learned APP for the State.

The petitioner seeks bail in connection with Kanti P.S.  
Case No.173 of 2010, instituted for the offence under Sections  
302, 34, 427/120(B) of the Indian Penal Code.

It is submitted on behalf of the petitioner that  
petitioner is innocent and has been falsely implicated in this  
case. The loan transaction was with the petitioner's brother.  
Petitioner's brother and deceased were veteran criminal and the  
fact that he has been killed cannot be attributed to the petitioner.  
There is no eye witness to the occurrence and the petitioner's  
brother, i.e., co-accused, Jitendra Kumar Thakur has already  
been released on bail vide order dated 04.08.2011 passed in Cr.



Misc. No.44729 of 2010.

Learned APP, however, opposed the prayer for bail and submitted that there is specific allegation against the petitioner of having committed the murder along with his brother.

The petitioner is in custody since 16.05.2019 having no criminal antecedents.

Learned APP for the State opposed the prayer for bail.

Having considered the rival submissions of the parties and the fact that petitioner is in custody since 16.05.2019 when he surrendered in the Court below, this Court is inclined to allow the petitioner's application. Let the petitioner, 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 S.D.J.M. (West), Muzaffarpur, in connection with Kanti P.S. Case No.173 of 2010, subject to the following conditions :-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court, if there is any change in the address of the petitioner.



(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

sanjeev/-

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