

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No 70381 of 2019**

Arising Out of PS. Case No.-96 Year-2019 Thana- PURAINI District- Madhepura

BINESH THAKUR @ DINESH THAKUR Son of Late Bhagwat Thakur  
Resident of Village-Rauta, Police Station-Puraini, District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

**CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD**

**ORAL ORDER**

2      **04-12-2019**                      Heard learned counsel for the petitioner and the  
learned APP for the State.

Petitioner seeks bail in a case registered under Section  
341, 323, 325, 307, 379, 504/34 of Indian Penal Code (for  
brevity, *IPC*)

It is submitted that all Sections of IPC are bailable  
except Sections 379, 307 of IPC and so far as allegations under  
Sections 307 and 379 of IPC are concerned, same are neither  
applicable nor made out against the petitioner in the facts and  
circumstances of the case. He further submits that there is no  
intention on the part of this petitioner to kill the informant and,  
therefore, no offence under Section 307 of IPC is made out in  
this case and there is no allegation under Section 379 of IPC



against this petitioner and furthermore allegation under Section 379 of IPC appears to be super addition. He further submits that the petitioner has got no past criminal antecedent. It is further submitted that the alleged assault is not corroborated by the injury report.

Learned APP for the State has opposed the prayer for bail.

Having considered the rival submissions, prayer for bail is allowed.

Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 01<sup>st</sup> Class, Uda Kishunganj, Madhepura in Puraini Police Station Caswe No 96 of 2019 subject to the following conditions:

(1) 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.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his



bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

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