

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2078 of 2019

Arising Out of PS. Case No.-253 Year-2018 Thana- BIHARIGANJ District- Madhepura

SUBHASH THAKUR, Son of Umesh Thakur Resident of Village- Kusthan,
Ward No.2, P.S.-Bihariganj, District - Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad

For the Opposite Party/s : Mr.Sri Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 01-04-2019 Heard learned counsel for the parties.

Petitioner, who is in custody, seeks bail registered for the offences punishable under Sections 323, 341, 307, 354, 379, 504 and 34 of the Indian Penal Code and under Sections 37(b) (c) of the Bihar Prohibition and Excise Act, 2016.

Informant has alleged that on 24.10.2018 at about 8:00 P.M. while he was sitting at his door FIR named accused started abusing and on protest being made by his son, accused Manish Thakur assaulted his son by iron rod on his head. Allegation against Subhash Thakur Petitioner is of assaulting the niece of informant Chhoti Kumari on his head as a result of which blood started oozing out and she became unconscious.

It has been submitted on behalf of the petitioner



that there is land dispute between the parties and there is case and counter case as such he has been falsely implicated in this case. There is no injury report submitted by the investigation officer and even in the order passed by Sessions Judge there is no discussion of any injury report. Petitioner has got no criminal antecedent and is in custody since 25.10.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with **Bihariganj P.S. Case No. 253 of 2018 in Excise Act 1421 of 2018**, with following condition:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.



(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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