

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 19192 of 2020

Arising Out of PS Case No.-198 Year-2018 Thana- KHAJAULI District- Madhubani

Mukesh Thakur (Male), aged about 40 years, Son of Sachhidanand Thakur,
Resident of Village - Sarabe, P.S.- Khajauli, District – Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate
For the State : Mr. Satyadeo Singh Yadav, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 16-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Ratanakar Jha, learned counsel for the petitioner and Mr. Satyadeo Singh Yadav, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Khajauli PS Case No. 198 of 2018 dated 07.11.2018 instituted under Sections 272, 273, 290/34 of the Indian Penal Code; 30(a) and 37(b) of the Bihar Prohibition and Excise Act, 2016 and 25(1-B)(a), 26 and 35 of the Arms Act.



4. The allegation against the petitioner, who is said to have run away from the place of occurrence, is that he was consuming liquor with two other co-accused, who were caught with firearms.

5. Learned counsel for the petitioner submitted that neither he was caught at the spot nor is there any recovery from him and only because co-accused had taken his name as the person who had fled away, he has also been made accused. Learned counsel submitted that the petitioner has no other criminal antecedent and is in custody since 25.11.2019. It was submitted that co-accused Satyanarain Das has been granted bail by order dated 04.04.2019 in Cr. Misc. No. 11244 of 2019 and Narayan Das has been granted bail on 27.02.2019 in Cr. Misc. No. 11955 of 2019.

6. Learned APP submitted that the petitioner was also consuming liquor and had run away while the other co-accused were caught.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District



& Sessions Judge II-cum-Special Judge Excise Act, Madhubani in Khajauli PS Case No. 198 of 2018 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P.Kumar/Anand Kr.

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