

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21215 of 2020

Arising Out of PS. Case No.-678 Year-2019 Thana- KUDHNI District- Muzaffarpur

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Ramsevak Thakur @ Gorakh Thakur, Son of Late Ram Sakal Thakur,
Resident of Village - Purushottampur, P.S.- Maniyari, Distt.- Muzaffarpur,
Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishor, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 18-09-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner is apprehending his arrest in connection with Kudhani (Turki) O.P. P.S. Case No.678 of 2019 registered for the offence punishable under Sections 341, 323, 324, 307, 504/34 of the Indian Penal Code.



The prosecution story is that the informant while returning home was chased by some persons, including the petitioner, in a four-wheeler. The petitioner is an accused of assaulting the informant three times. The first assault was averted by the informant, the second and the third have allegedly hit in the right ear and on the right side of his head.

Petitioner's counsel submits that the injury report was prepared on 01.11.2019 whereas the allegation is of 11.10.2019. In fact, the informant met with an accident and taking advantage of the injuries, the petitioner has falsely been implicated. The petitioner was earlier *Mukhiya* and therefore has been implicated in various cases on account of village politics. He had been a witness to the protest petition filed by one Kewat Paswan in Mahiyari P.S. Case No.252 of 2019, wherein informant's son Ram Sevak Singh was accused No.4. It is also stated that the persons from the prosecution party have a hand in killing of the petitioner's mother in Maniyari P.S. Case No.136 of 2012. Relying on these factors, the petitioner has pleaded false implication.

Learned APP for the State has opposed the prayer for pre-arrest bail.

Considering the rival submissions, this Court is



inclined to allow petitioner's prayer for grant of anticipatory bail.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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 learned ACJM-III (W), Muzaffarpur or his successor court, in connection with Kudhani (Turki) O.P. P.S. Case No.678 of 2019, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings



regarding supply of the requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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