

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27988 of 2020**

Arising Out of PS. Case No.-215 Year-2018 Thana- PHULPARAS District- Madhubani

UPENDRA THAKUR Son of Bihari Thakur Resident of Village-
Gohmaberiya, P.S.- Phulparas, District- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 04-11-2020 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Phulparas P.S. Case No. 215/2018 registered
for the offences punishable under Section 447, 341, 323, 324,
325, 307, 379, 504, 34 of the I.P.C.

Learned counsel for the petitioner submits that the
only allegation against the petitioner in the First Information
Report is that he had instigated the co-accused to kill the
informant. Learned counsel submits that there is no allegation of
causing assault against this petitioner, the dispute is on account



of a piece of land, co-accused against whom there is allegation of assault has been granted privilege of bail by learned coordinate Bench of this Court in Cr. Misc. No. 14970/2020, Cr. Misc. No. 53598/2019 and the petitioner has otherwise no criminal antecedent.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner, considering the facts and circumstances of the case wherein the dispute is on account of a land and in the said dispute the occurrence seems to have been taken place, the petitioner has no criminal antecedent and there is no specific allegation of committing any overt act against the petitioner as also the co-accused have been granted privilege of regular bail by learned coordinate Bench of this Court, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st Jhanyharpur, Madhubani, in connection with Phulparas P.S. Case No. 215/2018, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence



similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

And further condition that they will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

