

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 30342 of 2020**

Arising Out of PS. Case No.-134 Year-2019 Thana- ARER District- Madhubani

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BHOGENDRA THAKUR Son of Late Singheshwar Thakur Resident of
Village- Narhi, Police Station- Arer, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rana Bhupendra Narayan Singh, Advocate
For the Opposite Party/s : Mr Anil Kr Singh, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 23-11-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

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

Heard learned counsel for the petitioner.

Mr Anil Kumar Singh, APP is appearing as it is submitted that the brief has been allotted to him by the Office of Advocate General.

The petitioner seeks bail in Arer Police Station (for brevity, PS) Case No 134 of 2019 dated 28.12.2019,



corresponding to GR No 1011 of 2019 instituted for the offence punishable under Section 395 of Indian Penal Code.

It is alleged that 10 to 12 persons have entered into the house of the informant and have committed dacoity.

Learned counsel for the petitioner submits that, being aged about 90 years, the petitioner has falsely been implicated in this case on the basis of confessional statement of co-accused Lalit Kamati @ Lalit Kamat before the police after he was taken into custody. It is submitted that it is a case of false implication and even in the confessional statement, no specific overt act has been alleged against the petitioner. The petitioner has no criminal antecedent and is in custody since 13.06.2020.

The learned APP for the State has opposed the prayer for bail.

Considering 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 Additional Chief Judicial Magistrate I, Benipatti in Arer PS Case No 134 of 2019 dated 28.12.2019, GR No 1011 of 2019 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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