

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14914 of 2021

Arising Out of PS. Case No.-225 Year-2018 Thana- SARAIYA District- Muzaffarpur

Badari Thakur, Son of Kishuni Thakur, Resident of Village - Kueya, P.S. -
Saraiya (Jaitpur O.P.), District - Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ganesh Prasad Singh, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 05-10-2021 Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Sessions Trial No.345 of 2019 arising out of Saraiya (Jaitpur O.P.) P.S. Case No.225 of 2018 registered for the offence punishable under Sections 341, 323, 314, 316, 302, 504, 506, 34 of the Indian Penal Code.

Since 03.06.2018 the petitioner has been in custody, pending trial. He is alleged to have assaulted the informant's wife, informant and his labourer, leading to death of the informant's pregnant wife.

Counsel for the petitioner submits that the prosecution case against the petitioner is false. There is an allegation that the petitioner has assaulted the informant and the



labourer of the informant also. However, the same is not corroborated by the injury report. Petitioner has been in custody for more than three years and he is stated to be man of clean antecedents. Occurrence has taken place at the spur of the moment due to dispute regarding disposal of garbage. The parties are neighbours.

Learned APP for the State has opposed the prayer for bail. It is submitted that there is specific allegation of assaulting the informant's wife who has succumbed to the injuries.

The Court had earlier called for a report regarding the stage of the trial. The report is dated 18.09.2021. There are stated to be seven witnesses, out of which only three have been examined.

Considering the rival submissions, the progress at the trial within the period of custody as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, 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 learned



15th Additional Sessions Judge, Muzaffarpur, in connection with Sessions Trial No.345 of 2019 arising out of Saraiya (Jaitpur O.P.) P.S. Case No.225 of 2018, 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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