

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.639 of 2021

Arising Out of PS. Case No.-204 Year-2018 Thana- PURAINI District- Madhepura

SUBHASH THAKUR SON OF DHUNMUN THAKUR RESIDENT OF
VILLAGE- GWALPARA, P.S.- GWALPARA, DISTRICT- MADHEPURA
(BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Surendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 30-06-2021 Heard Mr. Sanjay Kumar, learned counsel for the
petitioner and Mr. Surendra Prasad, learned counsel appearing
for the State through video conferencing.

Petitioner seeks regular bail in connection with
Parsauni P.S. Case No. 204 of 2018 registered for the offence
under Section 363, 366, 307, 324 / 34 of the I.P.C. and Section
27 of the Arms Act.

The allegation as per the First Information Report is
that petitioner along with other accused persons entered into the
house of the informant and kidnapped the minor daughter of the
informant and in course of kidnapping there is allegation of
firing upon the informant and her family members.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case with oblique
motive and there was love affair between the petitioner and the
victim girl. Learned counsel next submits that the victim girl
was recovered on the same day and her statement under Section



164 Cr.P.C. was recorded in which she has disclosed her age as 18 years. Learned counsel next submits that this is 2nd attempt for bail on behalf of the petitioner inasmuch as earlier the bail application of the petitioner was rejected by a Co-ordinate Bench of this Court and the petitioner has remained in custody since 24.06.2019 i.e. for more than 02 years.

This Court vide its order dated 16.03.2021 had called for a report regarding the present stage of the trial and in pursuance thereof learned Sub Judge-II cum ACJM-II, Uda-Kishunganj, Madhepura has furnished the report and from perusal of the same it appears that the case has been committed before the court of learned Sessions Judge for trial on 26.03.2021. The report further says that out of 05 charge-sheeted witnesses, none of the witnesses has been examined.

On the other hand, learned counsel for the State vehemently oppose the prayer for bail and submits that petitioner along with other accused persons committed the heinous offence of kidnapping of the minor daughter of the informant and also fired upon the informant and her family members and as such he does not deserve the privilege of bail.

Having heard learned counsel for the parties and taking into consideration the materials available on record, the



fact that petitioner has remained in custody since 24.06.2019 and the trial is not likely to be concluded in near future due to pandemic, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Udakishunganj (Madhepura) in connection with Puraini P.S. Case No. 204 of 2018 on the following condition:-

(i) that the petitioner shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioner, his bail bond shall liable to be cancelled.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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