

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38833 of 2020**

Arising Out of PS. Case No.-531 Year-2017 Thana- BANKA District- Banka

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UPENDRA THAKUR SON OF KAUKO THAKUR RESIDENT OF
VILLAGE- DESARIYA, POLICE STATION- BANKA, DISTRICT-
BANKA

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 14-07-2021 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 Banka P.S. Case No. 531 of 2017 registered for
the offences punishable under Sections 395 and 397 of the
Indian Penal Code and Section 3/4 of Explosive Substance Act.

As per the prosecution story, on 26.08.2017 at about
11.30 pm the informant and his family members were sleeping
inside their house and at that time about 14-15 unknown persons
forcibly entered into his house after breaking the main door and



brutally assaulted the inmates of the house including the ladies and looted cash, jewellery, boxes containing costly items. When some co-villagers came there on hearing noise then some of the accused persons pelted bomb on the door to terrorise the co-villagers and thereafter they fled away. All the accused persons had tied cloth on their mouth hence, were not identified.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case on the confessional statement of co-accused Bhairo Singh @ Bhairav Kumar Singh. It is further submitted that the petitioner is not named in the F.I.R. and nothing has been recovered from his conscious possession. Learned counsel submits that the petitioner is in custody since 28.08.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that he has been brought in this case on remand from Banka P.S. Case No. 939 of 2016 in which he is on bail, so far as the present case is concerned, there is no identification of the petitioner, one of the co-accused namely Bhairo Singh @ Bhairav Kumar Singh who faced the trial has been acquitted and



the co-accused Amod Yadav and Janardhan Yadav have been granted bail by learned co-ordinate Benches of this Court in Cr. Misc. No. 55990 of 2018 and Cr. Misc. No. 67665 of 2019 respectively, the petitioner is in custody since 28.08.2020 but the trial is not likely to be concluded in near future, considering these aspects of the matter, 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 Chief Judicial Magistrate/Successor Court, Banka in connection with Banka P.S. Case No. 531 of 2017 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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.

