

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39168 of 2020

Arising Out of PS. Case No.-26 Year-2019 Thana- MOTIHARI (R.T) District- Muzaffarpur

MANISH THAKUR SON OF LATE GANESH THAKUR RESIDENT OF
VILLAGE- MARUABAD, POLICE STATION- JAI-BAJRANG, O.P.
(MEHASI), DISTRICT- EAST CHAMPARAN

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No 7, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-02-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the stamp reporter within four weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner and Mr. Dinesh Singh, learned A.P.P. for the State.

The petitioner in the present case is seeking regular bail in connection with Bapudham Motihari Rail P.S. Case No. 26 of 2019 registered for the offences punishable under Sections 341, 323, 353, 504, 506, 452, 144 and 307 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, the informant who is the Station Master of Mehasi Railway Station lodged the first information report on the allegation that while he was sitting in his office in the night three persons came armed with lathi, danda and abused him giving threat, on which the informant called the Police then the accused persons fled away. It is



alleged that after one hour again three named and 5-7 unknown persons came and indulged in assault to the informant causing injury on his head.

Learned counsel submits that the petitioner has been falsely implicated in this case. It is submitted that the injury of the informant has been found to be simple in nature and the same is not specific against the petitioner. The petitioner is in judicial custody since 22.02.2020 and the petitioner is accused in one case from before in which he is on bail.

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 the allegation against the petitioner is that he had indulged in causing assault on the informant, learned counsel for the petitioner has shown that the injury found on the head is simple in nature and the allegation of assault is against all the accused persons, the petitioner has remained in jail for almost one year in connection with the present case and prior to this case he is accused in one case in which he is on bail as stated in paragraph '3' of the petition, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Railway Magistrate, Bettiah, West Champaran in connection with Bapudham Motihari Rail P.S. Case No. 26 of 2019 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.

The 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'.

