

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2856 of 2022

Arising Out of PS. Case No.-152 Year-2020 Thana- PURNAHYA District- Sheohar

=====

Dilip Thakur S/O Shri Naval Kishor Thakur, Resident of Village- Ward No
07, Purnahiya, P.S.- Purnahiya, District- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 28-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Session

Trial No. 59 of 21 arising out of Purnahiya P.S. Case No. 152

of 2020, G.R. No. 1354 of 2020, registered for the offences

punishable under Sections 302 and 34 of the Indian Penal

Code.

The prosecution case emerging from the FIR is

that the petitioner and his associates has assaulted the father

of the informant with fists and kicks, due to which he died.

The learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in



this case. He further submits that three co-accused persons, namely, Nawal Thakur, Ram Babu Thakur and Parlina Devi, have already been enlarged on bail by co-ordinate Bench of this Court, vide order dated 18.11.2021 passed in Cr. Misc. 22212 of 2021 and the case of the present petitioner stands on higher footing than that of those. He also submits that petitioner has been languishing in jail since 09.02.2021 and trial is still going on.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State opposes vehemently the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstance, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. District and Sessions Judge,



Sheohar in connection with Session Trial No. 59 of 21 arising out of Purnahiya P.S. Case No. 152 of 2020, G.R. No. 1354 of 2020 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

uttam/-

U		T	
---	--	---	--

