

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33209 of 2021**

Arising Out of PS. Case No.-13 Year-2007 Thana- MADHUBANI TOWN District-
Madhubani

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Bhogendra Thakur Son of Bishwanath Thakur Resident of Mohalla-
Mahrajganj, Ward No.13, Madhubani, P.S.- Madhubani, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Lukhiya Devi Wife of Late Baijnath Sah Resident of Maharajganj,
Ward No.10, Police Station- Madhubani Nagar, District- Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Senior Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 14-02-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in Virtual Court

proceeding.

Let the defects, as pointed out by the office, be

removed within four weeks of start of normal functioning of the

physical court.

Petitioner seeks bail in connection with Rahika P.S.

Case No. 13 of 2007 registered for the offences punishable

under Sections 306/34, 302, 120(B) of the Indian Penal Code.

According to prosecution case, the accused persons

had threatened to kill the husband and son of the informant.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case after the lapse of 14 years. He further submits that nothing has been recovered from conscious possession of the petitioner. It is further submitted that charge sheet has been submitted in this case. He further submits that several accused persons have been granted anticipatory bail by the co-ordinate Bench of this Court vide orders dated 09.09.2021, 21.01.2019, 29.10.2018 passed in Cr. Misc. No. 43688 of 2019, Cr. Misc. No. 2668 of 2019 and Cr. Misc. No. 53362 of 2018 and other co-accused has been granted bail by a co-ordinate Bench of this Court vide order dated 21.01.2022 passed in Cr. Misc. No. 40403 of 2021. The petitioner is in custody since 30.01.2021.

The learned Additional Public Prosecutor vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, 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 the learned Additional Chief Judicial Magistrate-I, Madhubani in connection with Rahika P.S. Case No. 12 of 2007, subject to the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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