

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34464 of 2021

Arising Out of PS. Case No.-416 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Golu Thakur S/o Ram Ekwat Thakur Resident of Village- Arara, P.S.- Kanti,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 22-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in connection with Sadar P.S.
Case No. 416 of 2020 registered for the offences punishable
under Sections 386, 387, 120(B), 506/34 of the Indian Penal
Code.

According to prosecution case, on the basis of written
report of one Baibhav Mishra wherein it is alleged that on
Shikha Priya lodged false case vide Mahila P.S. Case No.
50/2018 against the informant which was subsequently
compromised. It was also alleged that accused Hemant Kumar,
Golu Thakur (petitioner), Govind Rai, Bholu Thakur, Ranjan
Pandey @ Vijay Pandey and Mithilesh Thakur instigated to



lodged KMP P.S. Case No. 274 of 2019 through the accused Pallavi Ojha which was found false after investigation. It has further alleged that after the released of the informant from the jail the accused persons committed murderous attack for which Town P.S. Case No. 314/2020 has been registered. It is also alleged that since the accused persons have not been arrested with regard to Town P.S. Case No. 313/2020, Sadar P.S. Case No. 285/2020, 301/2020, 382/2020 therefore all of them conspired to torture him in the jail premises.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that on the alleged date of occurrence he was confined in Bhagalpur Jail and the allegation as alleged in the F.I.R. is false and fabricated. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Hemant Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 22.11.2021 passed in Cr. Misc. No. 22316 of 2021. The petitioner is in custody since 24.09.2020.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail on the ground that



petitioner carries ten criminal antecedents other than the present one.

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 Chief Judicial Magistrate, Muzaffarpur in connection with Sadar P.S. Case No. 416 of 2020, 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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