

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53412 of 2021

Arising Out of PS. Case No.-388 Year-2020 Thana- UDAKISHUNGANJ District-
Madhepura

Subodh Thakur Son Of Late Banarsi Thakur R/O Village- Gopalpur Ward
No.2, P.S.- Udakishunganj, District- Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate.
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 24-08-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Dinesh Prasad Verma, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Udakishunganj P. S. Case No. 388 of
2020 registered for the offences punishable under Sections 364,
302, 201, 120(B) of the Indian Penal Code.

The prosecution case is based on a written
complaint alleging therein on 17.12.2020 at about 08:00 A.M.



Rajesh Yadav went to garage for repairing of his tempo and soon thereafter, he talked to her mother and after that he did not return to his home and his mobile phone was found switched off. It is also alleged that at the same time one Chandan Thakur also talked to the informant. The informant tried to search out her husband but could not find and she alleged that it is only Chandan Thakur and his wife, who can give the clue of his missing.

Learned counsel appearing on behalf of the petitioner submitted that the present F.I.R. has been instituted against unknown person and surprisingly with regard to the occurrence, which took place on 17.12.2020, the present F.I.R. has been instituted on 22.12.2020. It is further submitted that the name of the petitioner has surfaced on the confessional statement of co-accused Chandan Thakur and save and except the confessional statement, there is no material suggesting the complicity of the petitioner in the present crime. It is next submitted that the petitioner being brother-in-law of co-accused Chandan Thakur has been implicated in this case only on suspicion and moreover, the petitioner having fair antecedence and is in custody since 26.03.2021 and the entire case is based on suspicion.



On the other hand, learned APP for the State vehemently opposes the bail application and submits that during the course of investigation, ample material has come suggesting the complicity of the petitioner.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is neither named in the F.I.R. nor any incriminating material has been recovered from his person or possession showing complicity of the petitioner in the present crime and save and except the confessional statement of co-accused, there is no other material and he is in custody since 26.03.2021 having fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- 1st Udakishunganj in connection with Udakishunganj P. S. Case No. 388 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of



trial till disposal of the case.

- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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