

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53687 of 2021

Arising Out of PS. Case No.-59 Year-2021 Thana- HARLAKHI District- Madhubani

Gulab Thakur Son Of Mahendra Thakur Resident Of Village- Sukhbasi, P.S-
Harlakhi, Dist- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. V.N.P. Singh, Sr. Advocate
		Mr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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 a case registered for the offences punishable under Sections 341, 323, 354, 379, 504, 506/34 of the Indian Penal Code

According to prosecution case, the informant Arun Kumar Thakur gave a written application before the police on 04.03.2021 alleging therein that on 08.02.2021 he along with his father and mother was sitting at his door. In the meantime, the petitioner came there and started abusing the father of the



informant and put him down on the ground. When the mother of the informant came to his rescue she too was brutally assaulted. When the informant came to his rescue, the petitioner put him down and ride over his chest, and tried to strangle him with a Gamchha around his neck. Thereafter, it has been alleged that the petitioner assaulted him with a knife causing bleeding injury on his neck. When the mother of the informant came to his rescue, the petitioner tried to rip off the mouth of the informant after putting the finger in his mouth. It has further been alleged that co-accused Baby Devi, wife of the petitioner, came and assaulted the mother of the informant and snatched a gold chain from the neck of the informant and petitioner also snatched a gold locket of Hanuman Jee from the neck of the informant and Rs.35,000/- from his pocket.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that petitioner is the full brother of the informant and due to land dispute the present F.I.R. has been instituted against the petitioner. He further submits that the injury report does not corroborate the allegation as alleged in the F.I.R. The petitioner is in custody since 07.07.2021.



The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries one criminal antecedent 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 Court below where the case is pending in connection with Harlakhi P.S. Case No. 59 of 2021, 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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