

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54195 of 2021

Arising Out of PS. Case No.-375 Year-2020 Thana- MUFFASIL District- West Champaran

1. BISHWANATH THAKUR Son of Late Lalji Thakur Resident of Village - Aureiya, Kheirwa Tola, P.S.- Banuchhapar, O.P.- Bettiah Muffasil, District - West Champaran.
2. Shivnath Thakur Son of Late Lalji Thakur Resident of Village - Aureiya, Kheirwa Tola, P.S.- Banuchhapar, O.P.- Bettiah Muffasil, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gauri Shankar Thakur, Adv.
For the Opposite Party/s : Mr. Veena Rani Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.

The petitioners seek bail in connection with Bettiah Muffasil (Banuchhapr) P.S. Case No. 375 of 2020 registered for the offence under Sections 384, 506, 504 and 34 of the Indian Penal Code.

The petitioners are alleged to have threatened the informant to kill him on account of non-fulfillment of



demand of ransom.

Learned counsel for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. In fact, the entire case is a counter version of Bettiah Muffasil P.S. Case No. 410 of 2019 lodged by the brother of the petitioners against the informant and others. He further submits that the petitioners and the informant are on inimical terms since last 20 years and on account of the same, the petitioners have been made accused in this case. No such occurrence as alleged in the F.I.R. has taken place. The petitioners are rotting in judicial custody since 22.02.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioners carry seven more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran in connection with Bettiah Muffasil (Banuchhapur) P.S. Case No. 375 of 2020 with the following conditions:-



(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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