

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11031 of 2023

Arising Out of PS. Case No.-70 Year-2010 Thana- RANIYATALAB District- Patna

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Akhilesh Kumar @ Gharghusan Thakur Son of Late Padharu Thakur Resident
of Mohalla - Old Janpara, P.S.- Rani Talab, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abinash Kumar, Advocate.

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-05-2023 Heard Mr. Abinash Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Rani Talab P.S. Case No.70 of 2010, registered
for the offences punishable under Sections 302/34 of the Indian
Penal Code.

The prosecution case is based on the fardbayan of the
informant alleging therein that while the informant was sleeping
in her house, in the meantime, all the FIR named accused
persons entered into her house and by making allegation of theft
of buffalo, tied the hands and legs of the brother-in-law of the
informant and mercilessly beaten him with bamboo, due to
which he died.

Submission has been made on behalf of the petitioner



that from the FIR, it would be evident that specific allegation of assault has been leveled against Shankar Thakur, Vijay Thakur and Janardan Thakur. So far as the other co-accused persons are concerned, there is allegation that they tied the hands and legs of the deceased. Further submission has been made that from the FIR, it is also evident that one Gharghusan Thakur Son of Dhaka Thakur has been made accused in this case and so far as the petitioner is concerned, he is Akhilesh Kumar @ Gharghusan Thakur son of Padharu Thakur and on account of misconception because of resemblance of name he has been arrested by the police. It is next submitted that the petitioner has neither any concerned with the present case nor he is son of Dhaka Thakur and only on account of similarity of the nickname as Gharghusan Thakur, he has been apprehended in this case. The FIR was instituted in the year 2010 and as the petitioner was not named in the FIR, there was no reason or occasion to surrender before the Court, however, on 24.08.2022 the petitioner was apprehended by the police and since then he is in custody. It is also submitted that so far as the criminal antecedent of the petitioner is concerned, he is named in one another case bearing Rani Talab P.S. Case No. 63 of 2012, registered for the offences punishable under Section 302, 120-B



of the Indian Penal Code, wherein he is already on bail. It is lastly submitted that now the investigation of the crime is already complete and the charge-sheet has been submitted.

On the other hand learned APP for the State vehemently opposes the bail application and submits that specific allegation has been leveled against the petitioner, and he remained absconded for over a period of 10 years.

Regard being had to the submissions made on behalf of the parties and considering the fact that the FIR reveals the name of one Gharghusan Thakur Son of Dhaka Thakur and so far as the petitioner is concerned, he is Akhilesh Kumar @ Gharghusan Thakur son of Padharu Thakur and, moreover he has neither summoned nor any process has been issued prior to his being arrested by the police, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Danapur, in connection with Rani Talab P.S. Case No.70 of 2010, subject to the condition that one of the bailors will be the close relatives 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.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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