

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10129 of 2023

Arising Out of PS. Case No.-720 Year-2022 Thana- SITAMARHI District- Sitamarhi

1. Rama Thakur S/O Late Raghunath Thakur R/v- Islampur, P.S.- Riga, District- Sitamarhi, Bihar
2. Pankaj Kumar S/O Rama Thakur R/v- Islampur, P.S.- Riga, District- Sitamarhi, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikash Kumar Pankaj, Advocate
For the Informant	:	Mr. Arun, Advocate
For the State	:	Mrs. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-05-2023 Heard learned counsel for the petitioners, learned counsel appearing on behalf of the Informant and learned APP for the State.

Petitioners seek bail, who are in custody since 06.10.2022, in connection with Sitamarhi P.S. Case No. 720 of 2022, F.I.R. dated 05.10.2022 registered for the offences punishable under Sections 302, 34 of the Indian Penal Code.

The prosecution case, in short, is that while son of the informant went to seek Dushahera Mela with friend Sahil Jaiswal, several accused persons including the petitioner ambushed there, encircled them and on provocation of co-accused Pankaj Kumar, co-accused Rahul Thakur stabbed the



informant's son in his left side of chest and Pankaj Kumar stabbed him on his head, back and shoulder resulting into his dead.

Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that it appears from the F.I.R. that F.I.R. is in two parts, in first part there is general and omnibus allegation against the accused persons including the petitioner and in second part, there is specific allegation against co-accused persons namely Rahul Thakur and Pankaj Kumar, both are sons of petitioner no. 1. He further submits that the allegation against petitioner no. 2-Pankaj Kumar that he inflicted knife blow upon Sahil Jaiswal but the injury report of Sahil Jaiswal suggests that all the injuries are simple in nature caused by hard and blunt substance and hence the allegation as alleged in the F.I.R. is not supported by the medical evidence and there is no allegation of any assault or overt act against petitioner no. 1. He further submits that co-accused namely Kanhaiya Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 29.04.2023 passed in Cr. Misc. No. 16224 of 2023. He further submits that the police after investigation submitted



chargesheet against the petitioners and the petitioners are in custody since 06.10.2022.

The learned counsel appearing on behalf of the Informant as well as learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 720 of 2022, subject to 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, 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)

Ibrar//-

U		T	
---	--	---	--

