

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20840 of 2023

Arising Out of PS. Case No.-109 Year-2018 Thana- BEERPUR District- Begusarai

1. AHILYA DEVI W/O MANOJ THAKUR Resident of Village- Babhangama, P.S.- Birpur, District- Begusarai.
2. MANOJ THAKUR S/O LATE BISHESHWAR THAKUR Resident of Village- Babhangama, P.S.- Birpur, District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Adv.
For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 07-08-2023 1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. Petitioners, who are in custody since 11.12.2022 seek bail in connection with Beerpur P.S. Case No.109/2018 registered for the offences punishable under Sections 302/34 of the I.P.C.

3. According to prosecution case, the petitioners are alleged to have committed the murder of the grand son of the informant namely Vijay Kumar Pathak.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case merely on the basis of suspicion.



He further submits that from perusal of the F.I.R., it appears that there is no eyewitness of the alleged occurrence and due to previous dispute the petitioners have falsely been implicated in the present case. He further submits that during investigation, no cogent material has come to suggest the involvement of these petitioners in the present occurrence and co-accused persons namely, Mangu Thakur @ Abhay Thakur has been granted bail vide order dated 15.06.2021 passed in Cr. Misc. No. 3056/2021 and co-accused namely, Amit Thakur @ Uday Kumar Thakur has been granted bail vide order dated 12.07.2022 passed in Cr. Misc. No. 46699/2021 by co-ordinate Bench of this Court and the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 11.12.2022.

5. Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, 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 the learned A.C.J.M.-VI, Begusarai in connection with Beerpur P.S. Case No.109/2018, 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 bond shall be cancelled 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.

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 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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