

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19391 of 2023**

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

Amit Thakur @ Uday Kumar Thakur Son Of Sri Bashishth Kumar Thakur
Resident Of Village- Meghaul, Ps- Khodawandpur, Distt- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Vaishnavi Singh, Advocate
For the Informant	:	Mr. Shashank Shekhar, Advocate
For the Opposite Party/s	:	Mrs. Rina Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 05-07-2023 Heard learned counsel for the petitioner, learned counsel appearing on behalf of the informant and learned APP for the State.

Petitioner seeks bail, who is in custody since 04.01.2023, in connection with Birpur P.S. Case No. 109 of 2018, F.I.R. dated 13.09.2018 registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

Allegation against the petitioner is that he along with other co-accused persons committed murder of the deceased.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case merely on the basis of suspicion. She further submits that if the informant is the eye witness then why he had



not informed the other family members or the police at the time of occurrence and as per F.I.R. the alleged date of occurrence is of 04:30 A.M. but the present F.I.R. was instituted about 02:30 P.M. She further submits that due to previous dispute between the parties the petitioner has been falsely implicated in the present case. She further submits that in fact the brother-in-law of the petitioner namely Manoj Kumar was in love with the deceased so the petitioner has been implicated in the present false case and no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence except that the petitioner is brother-in-law of co-accused Manoj Kumar She further submits that co-accused Mangu Thakur @ Abhay Thakur against whom the similar allegation has been granted bail by a Coordinate Bench of this court vide order dated 15.06.2021 passed in Cr. Misc. No. 3056 of 2021. She further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 04.01.2023.

Learned counsel appearing on behalf of the Informant as well as learned APP for the State, on the other hand, vehemently opposed the prayer for bail and submits that there is sufficient material against the petitioner to suggest the



involvement of the petitioner in the present occurrence. They further submits that the petitioner carries one more criminal antecedent other than the present one in which he is on bail.

Considering the facts and circumstances of the case and the period of custody, let the petitioner, above named, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Begusarai in connection with Birpur P.S. Case No. 109 of 2018, 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 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, 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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