

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21253 of 2022

Arising Out of PS. Case No.-25 Year-2019 Thana- BHANGHA District- West Champaran

1. LAXMI THAKUR Son of Jamuna Thakur Resident of Village - Rampur Mission, P.S.- Bhangaha, District - West Champaran.
2. Manoj Thakur Son of Ganga Thakur Resident of Village - Rampur Mission, P.S.- Bhangaha, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-02-2023 Heard learned counsel for the petitioners and learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioners seek bail in a case registered for the offences punishable under Sections 341, 323, 447, 307, 302 and 504/34 of the Indian Penal Code.

According to prosecution case, the accused persons are said to have assaulted the son of the informant and after hearing the noise, when the family members of the informant came to rescue then the accused persons also assaulted them. The



accused persons also snatched gold articles from the informant's side. It is alleged that the son of informant died during the course of treatment.

Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case only on the basis of suspicion. He further submits that there is case and counter case between the parties. He further submits that the police after investigation submitted final form in favour of the petitioners and the learned Court below differing with the report of the police has taken cognizance against these petitioners.

The learned counsel for the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners on the basis that the petitioners carried one criminal antecedent each other than the present one. Learned counsel for the informant on the basis of instruction submits that the trial has begun and P.W.1 has been examined in the month of November, 2022.

Learned counsel for the petitioner submits that in view of the submission of learned counsel for the informant, trial will not be completed in near future. The petitioner no.1 is in custody since 31.12.2021 and the petitioner no.2 is in custody



since 12.12.2021.

Considering the aforesaid facts and period of custody, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Bhangaha P.S. Case No. 25/2019, 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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