

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28642 of 2023**

Arising Out of PS. Case No.-451 Year-2020 Thana- BARAUNI District- Begusarai

RAUSHAN THAKUR @ RAUSHAN KUMAR THAKUR son of Raja Ram
Thakur RESIDENT OF BARO RAJDEOPUR PS BARAUNI GARHARA OP

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Gautam, Adv.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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

4 09-08-2023 1. Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 24.11.2020 in connection with Barauni (Garhara) O.P. P.S. Case No. 451/2020, S.T. No.539/2021, F.I.R. dated 22.11.2020, for the offences punishable under Sections 364(A) and 120(B) of the IPC.

3. The son of the informant is said to have been abducted by the petitioner and others.

4. Learned counsel for the petitioner submits that earlier the bail petition of the petitioner was rejected vide order dated 22.03.2022 in Cr. Misc. No. 45532 of 2021. Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the basis of self confessional statement of the petitioner.

5. Vide order dated 03.05.2023 a report was called for



from the learned Trial Court. Report dated 15.07.2023 of the learned Trial Court reveals that out of 8 charge sheeted witnesses, only 3 witnesses have been examined.

6. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court, the trial is not likely to be concluded in near future and the petitioner is in custody since 24.11.2020 (about 2 years 8 months).

7. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

8. Considering the facts that the petitioner is not named in the F.I.R. and he has clean antecedent as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Begusarai in connection with Barauni (Garhara) O.P. P.S. Case No. 451/2020, S.T. No.539/2021, 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 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, 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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