

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31460 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- KAMTAUL District- Darbhanga

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DHIRAJ THAKUR S/O RAJ NANDAN THAKUR R/O Village- Sotiya
Brahampur (East), P.S- Kamtaul, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur Ms. Vaishnavi Singh, Advocates
For the Informant	:	Mr. Kedar Jha, Advocates
For the State	:	Mr. Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2023 Heard Mr. Ajay Kumar Thakur, learned counsel for the

petitioner, Mr. Kedar Jha, learned counsel appearing on behalf of

the Informant and Mr. Rana Randhir Singh, learned APP for the

State.

Petitioner seeks bail, who is in custody since
12.01.2023, in connection with Kamtaul P.S. Case No. 09 of 2023,
F.I.R. dated 11.01.2023 registered for the offences punishable
under Sections 341, 323, 324, 307/34 of the Indian Penal Code.

The allegation against the petitioner is of assaulting
the son of the informant with axe with intention to commit his
murder.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. Due to cutting of the tree the



present occurrence had taken place and there is case and counter case between the parties and both the parties are agnates and the informant is not an eye witness of the alleged occurrence. Although the injury report of the son of the informant suggests that the injuries are grievous in nature but without injury report the police has filed the chargesheet on 09.03.2023 and it appears from the injury report it is dated 15.04.2023. The petitioner is in custody since 19.01.2023.

The learned counsel appearing on behalf of the Informant as well as learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, 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, Darbhanga in connection with Kamtaul P.S. Case No. 09 of 2023, 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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