

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60041 of 2023

Arising Out of PS. Case No.-465 Year-2017 Thana- BIHPUR District- Bhagalpur

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ASHOK THAKUR @ ASHOK THAKUR SAMRAAT Son of Late Lakhan
Thakur Resident of village - Puraini Basa, P.S. - Alamnagar, Distt. -
Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar, Advocate

For the Opposite Party/s : Mr.Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-09-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Bihpur (Bhawanipur) P.S. Case No. 465 of 2017 for the offence punishable under Sections 147, 148, 149, 341, 323, 387, 379, 504 of the Indian Penal Code and section 27 of the Arms Act lodged on 5.11.2017 by the informant, Ajay Yadav.

3. As per the prosecution story, the allegation is that while the informant was in his agriculture field, the accused persons came, abused, assaulted and demanded Rs.5 lakh as Rangdari and further took away Rs. 5000/-.Accordingly, the FIR.

4. It is the case of the petitioner only because he has criminal antecedent, to add another criminal case, this FIR.



5. Further, he is in custody since 29.11.2022 and the charge-sheet stands submitted.

6. Learned APP points out that he has dozen criminal cases under his belt.

7. Considering the submission, the material on record and the allegation, this Court is inclined to extend him the privilege of bail but only after framing of the charges in view of the fact that he has criminal antecedent.

8. Let the petitioner be released on bail only after framing of the charges on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate,-1st Class, Naugachia, Bhagalpur, in connection with Bihpur (Bhawanipur) P.S. Case No. 465 of 2017 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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