

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53344 of 2023

Arising Out of PS. Case No.-20 Year-2017 Thana- NAUGACHIA District- Bhagalpur

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ASHOK THAKUR SON OF LATE LAKHAN THAKUR RESIDENCE OF
VILLAGE PURAINI BASA PS ALAMNAGAR, DISTRICT-
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. Mukesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-08-2023 Heard the parties.

The petitioner is in custody in connection with Naugachia (Nadi) P.S. Case No. 20 of 2017 for the offence under sections 147, 148, 149, 341, 323, 307, 386, 387, 427 of the Indian Penal Code and section 27 of the Arms Act lodged on 13.10.2017 by the informant, Sheikh Naimuddin.

As per the prosecution story, upon knowledge, the Police reached the place and came to know that the petitioner who has twenty-four cases under his belt alongwith others are threatening the locals of providing 10 liters milk from every village and upon denial, were assaulted. Accordingly, the FIR.

Learned counsel for the petitioner submits that the Police only to implicate him, has lodged twenty four cases



against him. This being one of them, for which he has suffered by being in custody since 02.12.2022 (as stated in paragraph 17 of the petition).

Learned APP, on the other hand, submits that the matter is of 2017 and he has come into judicial custody only in 2022.

Taking into account the aforesaid facts, the allegations, the period of custody i.e. 02.12.2022, it will be appropriate that he is released only after framing of charges, if the same has not been framed, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Naugachia, District- Bhagalpur, in connection with Naugachia (Nadi) P.S. Case No. 20 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/her 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 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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