

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56676 of 2023

Arising Out of PS. Case No.-975 Year-2022 Thana- SUPAUL District- Supaul

Bikash Kumar Thakur @ Vikash Kumar Thakur @ Bikash @ Bikash Kr
Thakur S/O Late Binay Kumar Thakur @ Late Vinay Kumar Thakur @ Binay
Kumar Thakur R/O Village- Malhani Ward No. 02, Ps. Supaul, Dist. Supaul
... .. Petitioner/s

Versus

The State of Bihar

.. ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mrs.Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 30-08-2023 Heard Mr. Sandip Kumar Gautam, learned counsel
for the petitioner and Mrs. Sucheta Yadav, learned APP for the
State.

The petitioner is in judicial custody in connection
with Supaul P.S. Case No. 975 of 2022 for the offence
punishable under Section 394 of the Indian Penal Code lodged
on 20.10.2022 by the informant, Md. Ismail.

As per the prosecution story, the informant has
alleged that while coming to his house after withdrawal of Rs.
10,000/- when intercepted by accused persons and thereafter,
allegation is that they snatched the bag containing valuables as
also other documents and in the process also assaulted him in
the head.

Learned counsel for the petitioner submits that there is
delay of three days in lodging of the FIR and despite he being in
custody since 28.4.2023 (para-17 of the petition), no TIP



conducted. Further, irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs. 5,000/- to the informant through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant after checking the credential.

Learned APP opposes the prayer stating that he has criminal antecedent of the same nature.

Considering the fact that there is delay of 3 days in lodging of the FIR, is in custody since 28.4.2023, no TIP conducted, charge-sheet submitted, will be facing the trial, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 5000/- as undertaken by the learned counsel for the petitioners to be paid by Demand Draft of local SBI to be submitted to the trial Court and handed over to the informant after checking credentials.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul, in connection with Supaul P.S. Case No. 975 of 2022 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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