

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57088 of 2023

Arising Out of PS. Case No.-125 Year-2022 Thana- ADAPUR District- East Champaran

Umesh Thakur S/O Late Kishun Thakur R/O Village- Kachurwari, P.S-
Adapur, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
20.04.2023 in connection with Adapur P.S. Case No. 125 of
2022, F.I.R. dated 28.04.2022 for the offences punishable under
Sections 302, 201/34 of the Indian Penal Code.

3. According to prosecution case, due to land dispute,
this petitioner along with other accused persons have committed
the murder of the son of the informant, namely, Bharat Yadav
and one Manish Kumar.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
petitioner is not named in the F.I.R. and the name of the



petitioner has been transpired during investigation on the basis of the suspicion that the petitioner might be involved in the present occurrence. He further submits that the informant is not the eye witness of the alleged occurrence. He further submits that from perusal of the F.I.R it appears that due to admitted land dispute between the parties, the petitioner has been implicated in the false and fabricated case and the informant has categorically stated that the two accused persons who are named in the F.I.R have committed the murder of the son of the informant. He further submits that except the suspicion, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet on 22.07.2022 against the petitioner. He further submits that similarly situated, co-accused, namely, Harendra Yadav and others have been granted bail by a co-ordinate Bench of this Court vide order dated 14.03.2023 passed in Cr. Misc. No. 55020 of 2022 and other co-accused, namely, Bishal Kumar @ Vishal Kumar @ Naresh Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 29.08.2023 passed in Cr. Misc. No. 40912 of 2023. The petitioner is in custody since 20.04.2023.



5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, 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 Chief Judicial Magistrate, Motihari East Champaran in connection with Adapur P.S. Case No. 125 of 2022, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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