

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57633 of 2023

Arising Out of PS. Case No.-125 Year-2018 Thana- BARARI District- Katihar

Basuki Thakur @ Baskhi Thakur S/O Sudama Thakur R/O Village- Mohna
Chandpur, P.S- Barai (SEMAPUR), Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeeb Kumar Sanju, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 23.01.2023 in connection with B.P. No. 427 of 2023 arising out of Barari (Semapur) P.S. Case No. 125 of 2018, F.I.R. dated 30.03.2018 for the offences punishable under Sections 147, 148, 341, 342, 323, 307 of the Indian Penal Code along with Section 27 of the Arms Act.

3. According to prosecution case, the nephew of the informant was being assaulted and dragged by the accused persons due to previous enmity.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that from the bare perusal of



the F.I.R., it appears that there is no specific allegation of any assault or overt act attributed against the petitioner and due to previous admitted land dispute the present occurrence has taken place. He further submits that there is no specific allegation of firing attributed against the petitioner rather there is general and omnibus allegation against all the accused persons that they all have fired upon the informant and their family members. He further submits that there is nothing available on record to suggest that anyone has injured in the present occurrence. The petitioner is in custody since 23.01.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that there is specific allegation against the petitioner in the F.I.R. and apart from aforesaid the petitioner carries nine criminal antecedent other than the present one but fairly submits that out of nine cases, petitioner is on bail in four cases and five cases are pending for consideration.

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, Katihar, in connection with B.P. No. 427 of



2023 arising out of Barari (Semapur) P.S. Case No. 125 of 2018,
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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