

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64711 of 2022

Arising Out of PS. Case No.-430 Year-2022 Thana- PURNEA SADAR District- Purnia

Bechan Thakur Son of Late Rajendra Thakur Resident of Village- Naya Tola,
Belouri, P.S.- Sadar, Purnea, District- Purnea Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivpujan Sahay, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP
For the Informant : Mr. Md. Fazle Karim, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-04-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
19.07.2022 in connection with Sadar Mufassil P.S. Case No. 430
of 2022, F.I.R. dated 14.06.2022 for the offences punishable
under Sections 363, 365, 364/34 of the Indian Penal Code.

The F.I.R of the occurrence of the missing son of the
informant is against the unknown.

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 trasnpired during investigation on the basis of the re-statement of the informant in which the informant has raised suspicion about the petitioner. He further submits that in fact, the petitioner is the brother-in-law of the informant. He further submits that initially the F.I.R. was lodged against unknown person and after thought, the name of the petitioner has falsely been implicated in this case due to enmity between the parties. He further submits that there is no eye witness of the alleged occurrence and nothing 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 against the petitioner. The petitioner is in custody since 19.07.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner was involved in the present occurrence.

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, Purnea in connection with Sadar P.S. Case
No. 430 of 2022, subject to the following conditions:-

1. 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.

2. 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.

3. 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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