

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77311 of 2023

Arising Out of PS. Case No.-126 Year-2023 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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1. GOLU THAKUR @ KRISHNA THAKUR @ KRISHNA KUMAR Son of Ram Ekbal Thakur R/o vill - Sundarpur, P.S. - L.N.M.U., Dist. - Darbhanga
 2. Mintu Thakur @ Vivek Thakur @ Vivek Kumar Son of Ram Ekbal Thakur R/o vill - Sundarpur, P.S. - L.N.M.U., Dist. - Darbhanga
 3. Wakil Kumar @ Wakil Mahto @ Wakil Mahto Son of Bittu Mahto R/o vill - Sundarpur, P.S. - L.N.M.U., Dist. - Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Opposite Party/s : Mr.Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-12-2023 Heard learned counsel for the petitioners and

learned A.P.P. for the State.

2. The petitioners seek bail in connection with

L.N.M. University P.S. Case No. 126 of 2023 registered

for the offences punishable under Sections 302/34 of

the Indian Penal Code.

3. As per prosecution case, on 23.04.2023 the

informant's brother was returning home, in the way

petitioners and other surrounded the informant's brother



and he was assaulted by means of knife as a result of which he sustained injury. The informant's brother was being taken to the hospital but in the way he died.

4. Learned counsel for the petitioners submits that there is no specific allegation against the petitioners rather the allegation is general and omnibus in nature. There is no eye witness of the occurrence. He further submits that police after investigation submitted final report wherein the petitioners have not been sent up for trial and only charge sheet has been submitted against co-accused Vijay Sharma. He further submits that after final report submitted by the police, the trial court differed with the said final report and took cognizance against the petitioners also and on account of the said cognizance order, the petitioners have filed the present bail petition. He further submits that co-accused Pramod Mahto has already been granted bail by a co-ordinate Bench of this court vide Cr. Misc. No. 75623 of 2023. Similarly, co-accused Hira Thakur and Bhagwan Lal



Thakur have also been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 74314 of 2023 and the case of present petitioners is identically same and on the principle of parity petitioners also deserve bail. Petitioners no. 1 and 2 are in custody since 24.04.2023 and petitioner no. 3 is in custody since 28.06.2023. Petitioner no. 1 bears criminal antecedent of two cases in which he is on bail. Petitioners no. 2 and 3 have no criminal antecedent.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, period of custody, co-accused on similar allegation has already been granted bail by co-ordinate Bench of this court, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the



like amount each to the satisfaction of learned Chief
Judicial Magistrate, Darbhanga in connection with L.N.M.
University P.S. Case No. 126 of 2023, subject to
following conditions:-

(i) One of the bailors shall be either father or
mother or sister or brother or wife or the person who
has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will
remain present on all dates and absence for two
consecutive dates without appropriate permission, would
be a ground for cancellation of bail by the learned Trial
court itself.

(iii) If the petitioners tamper with the evidence
or the witnesses, in that case, the prosecution will be at
liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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