

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6701 of 2023

Arising Out of PS. Case No.-474 Year-2021 Thana- KHAGARIA District- Khagaria

Deepak Thakur @ Dipak Kumar Son Of Bhushan Thakur R/O Village-
Bishanpur Narayan Tola, P.S.- Muffasil, District- Khagaria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 26-06-2023 Heard learned counsel for the petitioner and 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
29.06.2021 in connection with Khagaria (Muffasil) P.S. Case
No. 474 of 2021, F.I.R. dated 18.06.2021 for the offences
punishable under Sections 302/34 of the Indian Penal Code.

According to prosecution case, this petitioner along
with his family members have killed the daughter of the
informant who happens to be the wife of the petitioner by
pouring kerosene oil on her.

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 allegation as alleged in the F.I.R. is false and fabricated. He further submits that the deceased burnt due to bursting of gas pipe while cooking. He further submits that the petitioner also got burnt while saving the deceased. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 29.06.2021.

Vide order dated 17.04.2023 a report was called with regard to the stage of the trial. Report of the learned Trial Court dated 25.04.2023 reveals that out of 10 prosecution witnesses only 3 witnesses have been examined.

Learned counsel for the petitioner submits that in view of the report of the learned Trial Court, the trial is not likely to be concluded in the near future.

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

Considering the report of the learned Trial Court and the period of custody, 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 Additional District & Sessions Judge



-VII, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 474 of 2021, 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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