

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1243 of 2023

Arising Out of PS. Case No.-751 Year-2020 Thana- KHAJANCHI HAT District- Purnia

RAVI THAKUR Son of Vinod Thakur R/v- Janta Chowk (Bibiganj), P.S.- K.
Hat, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
22.07.2021 in connection with K.Hat P.S. Case No.751/2020,
F.I.R. dated 31.12.2020, for the offences punishable under
Sections 147, 148, 149, 341, 323, 302, 324, 307 of the IPC &
Section 27 of the Arms Act.

According to prosecution case, the petitioner along
with other co-accused persons assaulted the son of the informant
on his head by means of fist, slaps, bricks and stone due to
which he died.

Learned counsel for the petitioner submits that the
petitioner falsely been implicated in the present case. He further
submits that it appears from the F.I.R. that there is general and



omnibus allegation against all the accused persons including the petitioner. There is no specific allegation of any assault or overt act attributed against the petitioner and the postmortem report also does not support the allegation as alleged in the F.I.R. and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 22.07.2021.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that anticipatory bail petition of co-accused persons namely, Ashish Yadav @ Ashish Kumar Yadav and Rajeev Yadav @ Rajeev Kumar have been rejected vide order dated 17.01.2022 & 24.01.2022, passed in Cr. Misc. No. 3588/2022 & Cr. Misc. No. 5498/2022. He further submits that the petitioner has carried seven criminal antecedent other than the present one.

Considering the aforesaid facts and period of custody, let the petitioner, above named, be released on bail after framing of charge, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Purnea in connection with K. Hat P.S. Case No. 751/2020, 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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