

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1307 of 2023

Arising Out of PS. Case No.-212 Year-2022 Thana- BABUBARHI District- Madhubani

GOPAL THAKUR S/O RAM KARAN THAKUR Resident of village-
Bikhana (Bithouui), P.S.- Andhra tharthi, District- Madhubani.... ..
Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Ravi Prakash Mr.Gagan Deo Yadav Mr.Rajesh Kumar
For the Opposite Party/s :	Mr.Navin Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 17-05-2023 Heard learned counsel for the petitioner as well as
learned APP for the State.

In this case, the petitioner is seeking regular bail in
connection with Babubarhi P.S. Case No. 212 of 2022,
registered for the offences punishable under Sections 302, 201,
120(B) of the Indian Penal Code.

As per allegation, the dead body of husband of the
informant was recovered near canal. The informant stated that
Pawan Chaudhary, Gopal Thakur (petitioner) and Ashok Kumar
Yadav had murdered her husband and threw his dead body.

The learned counsel for the petitioner has submitted
that he is innocent and has falsely been implicated in this case.
In paragraph no. 37 of the case diary, the statement of brother of
the deceased Ram Charitra Thakur has been recorded in which



he has stated that co-accused Pawan Chaudhary used to tease the wife of the deceased (informant) and some altercations had taken place between the deceased and Pawan Chaudhary prior to the occurrence. He has submitted further that the basis of suspicion against the petitioner is that he was working in *Saloon* of the deceased and he was not providing share, as stated by the witnesses in paragraph nos 11, 12 and 13 of the case diary. He has also submitted that charge-sheet has been submitted. The petitioner is a person of clean antecedent and is under custody since 21.09.2022.

On the other hand, the learned APP Sri Shailendra Kumar and the learned counsel for the informant have opposed the prayer for bail and submitted that it is true that the name of Pawan Chaudhary has figured in paragraph no. 37 of the case diary and there is allegation that he was teasing the wife of the deceased and some altercations had taken place between the deceased and co-accused Pawan Chaudhary but at the same time, the witnesses in paragraph nos. 11, 12 and 13 have also stated that the petitioner was an employee in *Saloon* run by the deceased and he was not paying his share. It might be the reason of his killing.

The witnesses in paragraph no. 37 of the case diary



has categorically stated that Pawan Chaudhary was teasing the wife of the deceased (informant) and some altercations have taken place between the deceased and Pawan Chaudhary prior to the occurrence.

Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned A.C.J.M-Ist, Madhubani in connection with Babubarhi P.S. Case No. 212 of 2022, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

Kundan/Nirmal

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