

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37633 of 2024

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

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Vijay Kumar Thakur @ Vijay Sharma Son of Late Sanjay Thakur Resident of
Mohalla - Sundarpur, Chhathi Pokhar, P.S.- L.M.M.U., District - Darbhanga.
... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Iqbal Asif Niazi, Advocate
For the Opposite Party/s : Mr.Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 06-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
L.N.M.U. 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 petitioner
and others surrounded the informant's brother and he was
assaulted by means of knife as a result of which informant's
brother sustained injury. Thereafter, informant's brother was
taken to hospital but in the way he died.

4. Learned counsel for the petitioner submits that
as per version of prosecution story, there is no specific allegation
against the petitioner rather the allegation is general and



omnibus in nature. He further submits that ,though, police has submitted chargesheet against the petitioner but during the course of investigation, the prosecution story has totally changed. He further submits that the final form has been submitted against other co-accused persons and the learned trial court has taken cognizance against the petitioner and others. He further submits that co-accused Golu Thakur and others have already been granted bail by this Court vide Cr. Misc. No. 77311 of 2023. Petitioner has voluntarily surrendered in the learned trial court and he is in custody since 24.07.2023 and he bears no criminal antecedent. He further submits that informant is not an eye witness of the alleged occurrence. Learned counsel orally submits that even after commitment, none of the prosecution witnesses has been examined yet and the trial is not likely to be concluded in near future.

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

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, trial is not likely to be concluded in near future, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument



advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with L.N.M.U. 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) Petitioner 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 petitioner tampers 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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