

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39556 of 2024

Arising Out of PS. Case No.-282 Year-2021 Thana- TRIVENIGANJ District- Supaul

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Dinesh Kumar @ Dinesh Thakur son of Yogendra Thakur R/o- Mayurwa
Ward No-4, P.S- Triveniganj Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shadab Alam
		Mr. Shahid Aqubal, Advocates
For the Opposite Party/s :		Mr. Prem Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-11-2024 Heard Mr. Shadab Alam, learned counsel for the

petitioner and Mr. Prem Kumar Jha, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Triveniganj P.S. Case No. 282 of 2021, F.I.R. dated 01.09.2021 registered for the offences punishable under Sections 143, 147, 149, 341, 342, 323, 302, 120B, 201, 379 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including the petitioner have brutally assaulted the brother of the informant resulting into his death and threw his dead body on the road.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely



implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that the informant is not an eye witness of the alleged occurrence and merely on the basis of suspicion, the petitioner and other co-accused persons have been implicated in the present case. He further submits that the police after completion of investigation police has submitted final form and the name of the petitioner has not sent up for trial but the learned Magistrate differing with the final form has taken cognizance against the petitioner vide order dated 15.06.2023. He further submits that co-accused persons namely Hari Narayan Yadav @ Hari Narayan Thakur and Yogendra Yadav @ Yogendra Kumar Yadav have been granted the privilege of anticipatory bail by this Court vide order dated 29.02.2024 passed in Cr. Misc. No. 74300 of 2023, another co-accused person namely Ramanand Thakur has been granted the privilege of anticipatory bail by this Court vide order dated 09.04.2024 passed in Cr. Misc. No. 86704 of 2023.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the



case and the fact that the petitioner having clean antecedent and the name of the petitioner has been transpired only on the basis of suspicion and the name of the petitioner has not sent up for trial as well as other co-accused persons have been granted the privilege of anticipatory bail by this Court, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 AC.J.M. 2nd, Supaul in connection with Triveniganj P.S. Case No. 282 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 witness, 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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