

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56236 of 2024

Arising Out of PS. Case No.-124 Year-2024 Thana- RANIGANJ District- Araria

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Mahesh Thakur @ Mahesh Kumar Son of Kulanand Thakur, Resident Of
Village - Barhoua, P.S. - Raniganj, District - Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-09-2024 Heard Mr. Mrigendra Kumar, the learned counsel for

the petitioner and Mr. Vinod Shanker Modi, the learned Additional

Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since

04.04.2024, in connection with Raniganj P.S. Case No. 124 of

2024, FIR dated 31.03.2024, registered for the offences punishable

under Sections 302, 304(B) and 120(B) of the Indian Penal Code.

3. According to the prosecution case, on 30.03.2024,

the elder daughter of the informant informed her younger daughter

on mobile that her brother-in-law is going to kill her today, who

then conveyed the same to her mother. It is further alleged that the

informant's mother later received information that her elder

daughter has died.

4. Learned counsel for the petitioner submits that

petitioner has clean antecedent and he has falsely been implicated



in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that from perusal of the FIR, it appears that the informant herself stated in the FIR that the petitioner was not present / available at the place of occurrence on the said date, and it has also come during investigation in paragraph no. 67 of the case diary, which corroborates the fact that petitioner was not present / available at the place of occurrence on the said date. He further submits that from perusal of the FIR, it also appears that there is specific allegation against the co-accused person namely, Ankit Kumar, who happens to be the brother of the petitioner. He further submits that the police after investigation has submitted chargesheet against the petitioner and the petitioner is in custody since 04.04.2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent and as per FIR version, the petitioner was not present / available at the place of occurrence on the said date, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount



each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Araria, in connection with **Raniganj P.S. Case No. 124 of 2024**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial Court 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 learned trial Court 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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