

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66713 of 2023

Arising Out of PS. Case No.-158 Year-2018 Thana- MANIHARI District- Katihar

Basuki Thakur Son Of Late Sudama Thakur R/O Vill - Mohnadih, P.S. -
Barari (S), Distt. - Katihar

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Narayan Singh

For the Opposite Party/s : Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 02-05-2024 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 147, 148, 149, 323, 325 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

As per allegation in the FIR, ten named accused persons including the petitioner assaulted the informant and her husband, as a result of which husband of the informant died during course of treatment.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence.



He has falsely been implicated in the present case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Similarly situated accused namely, Chhotu Rai has already been granted bail vide order dated 11.10.2023, passed in Cr. Misc. No. 64038 of 2023 by this Court. Moreover, petitioner is languishing in judicial custody since 09.10.2021.

Learned APP appearing for the State has vehemently opposed the prayer for Bail and submitted that petitioner has fifteen criminal antecedents.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Manihari P.S. Case No. 158 of 2018 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. III, Katihar, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall



be present on each and every fixed date 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 threatens the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. If the petitioner repeat the offences of similar nature, as alleged in the present case, the prosecution will be at liberty to move for cancellation of bail.

(Sunil Kumar Panwar, J)

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