

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1834 of 2024

Arising Out of PS. Case No.-9 Year-2022 Thana- GHORASAHAN District- East Champaran

Vijay Thakur @ Vijay Sharma Son Of Late Saheb Thakur Resident Of
Village- Majirwa, Chiraia, P.S.- Lakhaura, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-01-2024 Heard Mr. Ajay Kumar Singh, learned counsel for
the petitioner and Mr. Ganesh Prasad Singh, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Ghorasahan (Lakhaura) P.S. Case No. 09 of 2022, F.I.R. dated 10.01.2022 for the offences punishable under Sections 341, 323, 379, 354, 307, 427, 504/34 of the Indian Penal Code.

3. According to prosecution case, this petitioner along with other accused persons have assaulted the informant and his wife and committed theft upon them.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been 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 offences as alleged in the F.I.R. He further submits that from perusal of the F.I.R it appears that due to land dispute the present occurrence has taken place and the informant is the own brother of the petitioner. He further submits that there is no specific allegation of any assault or overt act attributed against the petitioner rather the same has been attributed against the co-accused persons.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Sikarhana at Dhaka, East Champaran in connection with Ghorasahan (Lakhaura) P.S. Case No. 09 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and



with other following conditions:-

- i. 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.
- 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 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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