

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7136 of 2020

Arising Out of PS. Case No.-289 Year-2019 Thana- BIHARIGANJ District- Madhepura

Budhan Thakur S/o Late Kamleshwari Thakur Resident of Village- Biriranpal,
P.S.- Udakishunganj, Distt- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-05-2020 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in **Bihariganj P.S. Case No. 289 of 2019**, registered for the offences punishable under Sections 302, 120(B) of the Indian Penal Code and section 27 of the Arms Act.

As per prosecution case, on 24.08.2019 at about 2.30 p.m., the informant along with her husband and son was returning to her house from the field. In the meantime, 05 to 06 persons have surrounded her husband and fired upon him. After firing they fled away. The informant identified six persons (named in the FIR) as Dilip Yadav, Ajit Yadav, Bhola Yadav, Bhawesh Yadav, Ramesh Yadav and Rajo Yadav. The informant further suspected about the involvement of Budhan Thakur



(petitioner) in making criminal conspiracy of murder of her husband.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case due to village politics. There is land dispute between the parties. No case under Section 302/120(B) of the Indian Penal Code is made out. One co-accused who was identified by the informant, has been granted bail by this court vide order dated 19.12.2019 passed in Cr. Misc. No. 84462 of 2019 (Annexure-2). Petitioner is in custody since 15.10.2019 having no criminal antecedent.

Learned A.P.P however, vehemently opposed the prayer for bail and submitted that it is the petitioner who is the main conspirator.

Considering the aforesaid facts and circumstances, the petitioner above-named, is directed to be enlarged 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 **Judicial Magistrate, Fast Track Court, Udakishunganj, Madhepura** in connection with **Bihariganj P.S. Case No. 289 of 2019** subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

vinita/-

U		T	
---	--	---	--

