

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15520 of 2015

Arising Out of PS.Case No. -195 Year- 2014 Thana -BIHRA District- SAHARSA

Md. Samsher Son of Mehdi Hassan Resident of Village - Purikh, Post
Office - Purshottampur, Police Station - Bihra, District - Saharsa.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

With

Criminal Miscellaneous No.16466 of 2015

Arising Out of PS.Case No. -195 Year- 2014 Thana -BIHRA District- SAHARSA

Navin Thakur son of Late Umakant Thakur Resident of Village Barahsher,
Police Station Bihra, District Saharsa.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

With

Criminal Miscellaneous No.17683 of 2015

Arising Out of PS.Case No. -195 Year- 2014 Thana -BIHRA District- SAHARSA

Ajay Thakur @ Ajay Kumar Thakur @ Ajay Kr. Thakur S/o Late
Rambaran Thakur resident of village - Barahsher, P.S. Bihra, District -
Saharsa

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

With

Criminal Miscellaneous No.18568 of 2015

Arising Out of PS.Case No. -195 Year- 2014 Thana -BIHRA District- SAHARSA

Deepak Thakur @ Deepak Kumar Thakur son of Arbind Thakur R/o
Village- Barahsher, P.S. - Bihra, Dist. - Saharsa

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s



With
Criminal Miscellaneous No.20759 of 2015
Arising Out of PS.Case No. -195 Year- 2014 Thana -BIHRA District- SAHARSA
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Rajendra Ram S/o Prithvi Ram residing at Village- Barahsher P.S- Bihra District- Saharsa.

..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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With
Criminal Miscellaneous No.22554 of 2015
Arising Out of PS.Case No. -195 Year- 2014 Thana -BIHRA District- SAHARSA
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1. Rambilash Paswan Son of Late Jokhan Paswan
2. Fulo Paswan@Fulo Pasman Son of Raghuni Paswan
Both are Resident of Village- Barahsher, Police Station- Bihra, District Saharsa.

..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :
(In Cr.Misc. No.15520 of 2015)
For the Petitioner/s : Mr. Ashok Kumar Prasad
For the Opposite Party/s : Mr. Renu Kumari(App)
(In Cr.Misc. No.16466 of 2015)
For the Petitioner/s : Mr.
For the Opposite Party/s : Mr. Anil Kumar Singh-I(App)
(In Cr.Misc. No.17683 of 2015)
For the Petitioner/s : Mr. Bhaskar Shankar
For the Opposite Party/s : Mr. Narendra Kumar Singh (App)
(In Cr.Misc. No.18568 of 2015)
For the Petitioner/s : Mr. Binod Murari Mishra
For the Opposite Party/s : Mr. Uday Chandra Pd.(App)
(In Cr.Misc. No.20759 of 2015)
For the Petitioner/s : Mr. Diwakar Prasad Singh
For the Opposite Party/s : Mr. S.M.Rahman(App)
(In Cr.Misc. No.22554 of 2015)
For the Petitioner/s : Mr. Satish Kumar Singh
For the Opposite Party/s : Mr. Madan Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 19-05-2015

Heard learned counsels for the petitioners,

State and the informant.

The petitioners are languishing in custody since 15.12.2014, 20.02.2015, 03.02.2015, 12.01.2015 and 23.12.2014 respectively in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 302, 385 and 504 of the Indian Penal Code.

The prosecution case is that the informant leased out his pond to one Kusho Mukhiya and Anil Jha. The informant and his uncle Jai Krishna Thakur were trying to fish in the pond, in the meantime, Pradeep Thakur @ Lallu Thakur (non-petitioner), petitioners Deepak Thakur, Ajay Kumar, Ram Varan Thakur (non-petitioner), petitioners Ram Bilash Paswan, Fullo Paswan, Raghuni Paswan (non-petitioner), petitioner Rajendra Ram, Md. Rahman (non-petitioner) along with 10-15 known came and restrained the informant and others to fish in the pond till the payment of extortion amount is made. On protest being made Pradeep Thakur @ Lallu Thakur assaulted with iron rod on the head of the uncle of the informant, namely, Jai Krishna Thakur, petitioner Deepak Thakur assaulted with Farsa on the head of the informant. While the informant and his uncle Jai Krishna Thakur were being taken to hospital petitioner Navin Thakur and co-

accused Shivji Ram were found talking that Jai Krishna Thakur ought to have been killed. Subsequently, the uncle of the informant Jai Krishna Thakur succumbed to the injuries.

It is submitted on behalf of petitioner Md. Samsher that he was not named in the FIR and there is no specific accusation of assault against him and he has no criminal antecedent. Statement to that effect has been made in para 3 of the petition.

It is submitted on behalf of petitioner Navin Thakur that only accusation against him is that he was talking with co-accused Shivji Ram that the uncle of the informant ought to have been killed and he is accused in one other case apart from the present one.

It is submitted on behalf of petitioners Ajay Thakur, Deepak Thakur, Rajendra Ram, Rambilash Paswan and Fulo Paswan that there is no specific accusation of assault against them. The accusation levelled against them is that they restrained the informant and his uncle from fishing in the pond and demanded extortion.

It is submitted by learned counsels for the petitioners that the specific accusation of assaulting the informant is against petitioner Deepak Thakur with Farsa whereas the

accusation of assault to the uncle of the informant is against co-accused Pradeep Thakur @ Lallu Thakur with iron rod. The post-mortem report reflects only one injury on the head of the deceased whereas injury of the informant has been found to be simple in nature. The investigation has already concluded and co-accused Shivjee Ram has been granted bail vide Cr. Misc. No. 14635 of 2015.

Learned counsel for the informant submits that all the petitioners were sharing common intention as a result of which uncle of the informant was killed.

Considering the fact that there is no accusation against any of the petitioners to have assaulted the victim, Jai Krishna Thakur, let the above named petitioners, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Bihra P.S. Case No. 195 of 2014.

(Dinesh Kumar Singh, J)

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