

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37301 of 2016

Arising Out of PS.Case No. -653 Year- 2015 Thana -NAUBATPUR District- PATNA

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1. Sivendra Thakur @ Savindra Thakur son of Late Gulkand Thakur @ Bulkan Thakur resident of Village-Chesi, P.S.- Naubatpur, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s Mr. Rajballabh Singh

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 07.09.2016

Heard learned counsel for the petitioner as well as learned

Addl. Public Prosecutor for the State.

Petitioner seeks bail in a case registered under section 302/34 of the Indian Penal Code.

According to the prosecution case itself, four FIR named accused and some unknown mercilessly assaulted the deceased by means of dagger as a result whereof deceased died then and there.

Submission on behalf of the petitioner is that deceased was tenant in the house of the petitioner and, as a matter of fact, there was some dispute between the petitioner and deceased and that is the reason of false implication of the petitioner in the present case. It is further submitted that having similar allegation co-accused Subodh Thakur @ Subodh Kumar, who happens to be son of the petitioner, has already been granted privilege of bail by a coordinate bench of this court vide order dated 3.8.2016 passed in Cr. Misc. no.

19356/2016.

Photo copy of post mortem report of the deceased is annexed with this petition as annexure 5 and the aforesaid document goes to show that two incised wounds were found on the person of the deceased but it is not specific who caused the aforesaid injuries to deceased. The impugned order also does not reflect the specific role played by the petitioner in the alleged murder and, therefore, I am of the opinion that case of the petitioner is of similar footing to that of co- accused Subodh Thakur @ Subodh Kumar.

Accordingly, petitioner is directed to be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate, Danapur in Naubatpur P.S. Case no. 653/2015.

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(Hemant Kumar Srivastava,J)

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