

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26654 of 2016

Arising Out of PS.Case No. -96 Year- 2015 Thana -PIYAR District- MUZAFFARPUR

- =====
1. Vishwanath Thakur Son of Monilal Thakur
 2. Mukesh Thakur Son of Khyali Thakur
 3. Dilip Thakur Son of Nanhki Thakur
 4. Sushil Thakur Son of Mahendra Thakur
 5. Shyam Thakur Son of Mahendra Thakur All residents of Village - Baijnathpur, P.S. - Pear (Hatha O.P.), District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur

For the Opposite Party/s : Mr. Sri Vinod Shankar Modi

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 05-10-2016

Heard both sides.

The petitioners apprehend their arrest in Pear (Hatha O.P.) P.S. Case No. 96/2015, registered for the offences punishable under Section 302 and other Sections of the Indian Penal Code.

Sukhdev Rai, the informant named 16 persons in the FIR and alleged that when his father and brother went to complain about the cutting of pipe, Binod Thakur assaulted the father of the informant with bamboo stick on his head thereafter other accused persons also assaulted the informant and his father with fists and slaps.

Learned counsel for the petitioners submits that Binod Thakur is alleged to have assaulted the father of the informant on head. Cause of death is the injury found on the head and the chest of the deceased. The informant did not receive any injury. Similarly situated co-accused persons, namely Ram Chandra Thakur, Reena Devi and Ram Balak Thakur and 5 other persons have been granted anticipatory bail vide order passed in Cr. Misc. No. 9514/2016 and Cr. Misc. No. 10234/2016. The case of the petitioners stands on the similar footing. There is no specific allegation of assault against the petitioners.

From perusal of the case diary it appears that the informant as well as other witnesses have stated that Binod Thakur gave first blow with bamboo stick on head and thereafter other accused persons assaulted the deceased with fists and slaps. The post-mortem report shows that the deceased got three injuries; one on his head, the author of which is Binod Thakur, second injury is abrasion and third injury is lacerated wound on the chest. From opening of the chest it transpired that there was fracture of 5th rib on right side of the chest with laceration of right lungs and chest cavity was filled with blood. The deceased died due to assault made by the petitioners and other accused persons which caused injuries on the head and the chest of the deceased.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners above named on anticipatory bail. Accordingly, the same is rejected.

The petitioners, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail and their prayer shall be considered taking into consideration that other co-accused persons have already been granted bail.

(Prabhat Kumar Jha, J.)

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