

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41804 of 2016

Arising Out of PS.Case No. -93 Year- 2016 Thana -BARGANIA District- SITAMARHI

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Awadhesh Thakur @ Dhola Thakur son of Late Sahdeo Thakur R/o-
Village-Bel, Ward No.13, P.S.-Bairginia, District-Sitamarhi

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party : Mr. Sri Chandrasen Prasad Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 06-10-2016 Heard learned counsel for the petitioner, the learned
counsel representing the State as also the learned counsel for the
informant.

The petitioner seeks bail in connection with Bairginia P.S
Case No. 93 of 2016 registered for the offences punishable under
Section 302/34 of the Indian Penal Code.

Allegedly, the petitioner and his son Ratish Thakur
started assaulting the husband of the informant and thereafter the
petitioner caught hold Ramesh Thakur, the husband of the informant
and Ratish Thakur gave stab blow in his chest and then the petitioner
and Ratish Thakur started assaulting him with feet and fist and when
nearby person came for rescue, they fled away. The husband of the
informant was declared dead at Bairginia Primary Health Centre. Motive
behind the occurrence is that there was some altercation between Ratish

Thaukr and the husband of the informant for passengers of tempo and Ratish Thakur has given threats to kill him.

Submission is of false implication and that the petitioner has been unnecessary implicated in this case, he was not involved in the occurrence, there was fight between Ratish Thakur and the deceased, the petitioner is in custody since 18.06.2016 and, as such, he deserves sympathetic consideration.

Learned A.P.P. duly assisted by the learned counsel for the informant opposes by submitting that blood stained shirt was recovered from the body of the petitioner.

In the facts and circumstances stated above, considering that the petitioner is not the assailant and, as such, petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Bairginia P.S. Case No. 93 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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