

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2097 of 2017

Arising Out of PS.Case No. -505 Year- 2016 Thana -MARHAURA District- SARAN

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Shivji Thakur @ Shivji Singh, son of Late Jagarnath Thakur, Resident of
village - Nethua, P.O. - Awari, P.S. - Marhaura, District - Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anita Kumari, Advocate.

For the Opposite Party/s : Mr. Sri Rajballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

4 27-02-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner is accused in connection with Marhaura
P.S. Case No. 505 of 2016, registered under Sections 364, 302,
201 and 120(B)/34 of the Indian Penal Code.

The allegation of informant is that, in the evening, on
04.11.2016, he along with his brother, Sitaram Singh @ Sonu
Thakur, was coming to his house on motorcycle. When he reached
near the brick kiln of Tunna Thakur, then ten persons named in the
F.I.R. including the petitioner surrounded his motorcycle armed
with lathi, katta and rifle and pulled his brother, Sitaram Singh.
While informant tried to make intervention then he was threatened
of dire consequences by Sanjay Kumar Singh @ Tunna Thakur,



on which, he moved from there leaving his motorcycle and informed to the villagers about the incident but the villagers were not ready to come at the place of occurrence due to fear of accused persons. On next day, in the morning, when informant along with others reached near the brick kiln then found that one slipper was thrown at the Chimney. On search, the dead body of his brother was found in the Canal in Village Baropur, P.S. Banihyapur, sustaining the injuries. The cause of occurrence is that his brother, Sitaram Singh and Sanjay Kumar Singh @ Tunna Thakur, were candidates in Panchayat election and Sanjay Kumar Singh @ Tunna Thakur defeated in the election.

Learned counsel for the petitioner submits that, in fact, there is dispute between the family of the petitioner and the informant due to Panchayat election and due to that reason petitioner along with his family members have falsely been implicated in this case. It is further submitted that while occurrence is said to be in the evening of 04.11.2010 but the Fradbeyan of the informant is recorded on 05.11.2016 at about 3 P.M. at Gaura (O.P.) under Marhaura Police Station while the informant is said to be present at the time of occurrence. It is further submitted that petitioner is accused in three other cases, but in all three cases, he is on bail, which would appear from



paragraph 3 supplementary affidavit. It is further submitted that in the present case, petitioner is in custody since 07.11.2016.

Learned counsel for the informant submits that delay of lodging of F.I.R. has been detailed in the Fradbeyan of the informant.

Having regard to the facts and the circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-II, Saran at Chapra, in connection with Marhaura P.S. Case No. 505 of 2016. Out of two sureties, one surety must be the close relative of the petitioner.

(Rajendra Kumar Mishra, J)

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