

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52564 of 2018

Arising Out of PS.Case No. -25 Year- 2018 Thana -ADAPUR District- EASTCHAMPARAN
(MOTIHARI)

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Bihari Thakur S/o late Lakshan Dew Thakur Resident of Village-
Bisunpurwa, P.S. Adapur, Distt. East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma

For the Opposite Party/s : Mr. Sri Shyam Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

3 28-09-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner, in the present case, is seeking regular bail in
connection with Adapur P.S. Case No. 25 of 2018, registered for
offences alleged under Sections 302, 120 (B)/34 of the Indian
Penal Code.

Learned counsel for the petitioner submits that as per
allegations in the First Information Report there was a dispute
over payment of Rs.70/- allegedly due to the husband of the
informant. Because of this dispute, the co-accused, Rajan Thakur,
son of Bihari Thakur came to the door of the informant and
threatened her husband. On the next day he along with his



brothers, co-sharers and father (the petitioner) came at the door of the informant. It is alleged that, Raj Kumar Thakur, son of Satyanaryan Thakur and Mahant Thakur, son of late. Lachandev Thakur ordered to kill, whereupon, the three sons of this petitioner and this petitioner put the husband of the informant down and they caught hold of the deceased. It is alleged that, Rajan Thakur had given a dagger blow on the chest of the husband of the informant, whereupon, her husband started crying, a large number of neighbours assembled there and on seeing them the accused persons fled away.

Learned counsel for the petitioner submits that the prosecution story is highly unbelievable that for a sum of Rs.70/- the entire family of this petitioner, his co-sharers shall commit murder of the husband of the informant. It is further submitted that the F.I.R. has been lodged on legal advice by falsely implicating each and every family member of the petitioner, however, giving a dagger blow is attributed to the co-accused, Rajan Thakur. It is submitted that the petitioner is in custody for more than six months and the investigation in the case is complete. It is further submitted that the learned ADJ-13th, East Champaran, has rejected the prayer for bail on irrelevant considerations.

In this case, the case diary was called for and learned APP



for the State has gone through the case diary. It is submitted that in course of investigation, the witnesses have though supported the factum of quarrel but they have stated that in course of quarrel the co-accused, Santosh Thakur had taken out the knife and gave a blow to the deceased.

Considering the facts and circumstances of the case and the materials available on the record, wherein, there is no specific allegation of committing overt act seems to be there against this petitioner, let the petitioner, above named, be enlarged on bail on his furnishing bail bond of Rs.15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Ruxaul at Motihari in connection with Adapur P.S. Case No. 25 of 2018, subject to the conditions U/S 437(3) Cr.P.C.

(Rajeev Ranjan Prasad, J)

R.R.Ojha.

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