

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1581 of 2019

Arising Out of PS. Case No.-319 Year-2018 Thana- SARAIYA District- Muzaffarpur

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1. Lala Thakur @ Lal Thakur @ Lalan Thakur, S/o Sri Devendra Prasad Thakur (wrongly mentioned in the FIR as Devji Thakur).
 2. Vikash Kumar Thakur @ Vikash Kumar, S/o Lala Thakur @ Lal Thakur @ Lalan Thakur
- Both residents of Village-Lalu Chhapra, P.S. Paroo, District Muzaffarpur
... .. Petitioner/s

Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar
For the Opposite Party/s : Mr. Ashok Kumar Singh 1

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

3 28-03-2019 Heard learned counsel appearing for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 376, 302, 120-B/34 of the Indian Penal Code and Section 4 of the POCSO Act.

The first information report goes to show that none had seen the actual killing of both the deceased and the informant named the petitioners and one co-accused, namely, Farid Sai @ Md. Farid Sai, on account of previous dispute. The perusal of case diary goes to show that not a single prosecution witness has claimed to have seen the petitioners near the place of occurrence nor there appears to be any circumstantial evidence against the petitioners except so-called previous dispute between the petitioners and wife of informant. The



investigation of this case has already been completed against the petitioners. Moreover, petitioners do not have any criminal antecedent and having more or less similar allegation, one co-accused, namely, Farid Sai @ Md. Farid Sai, has already been granted privilege of bail by a Co-ordinate Bench of this Court *vide* order dated 8.2.2019 passed in Cr. Misc. No. 7530 of 2019.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, POCSO Act, Muzaffarpur, in connection with Saraiya P.S. Case No. 319 of 2018.

(Hemant Kumar Srivastava, J)

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