

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27663 of 2020

Arising Out of PS. Case No.-88 Year-2019 Thana- LAURIA District- West Champaran

Sanjay Thakur S/o Late Kamlesh Thakur R/o Village- Makari, P.S.- Lauriya,
District- West Champaran

... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party : Mr. Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-10-2020 Heard learned counsel for the petitioner and the
State through Video Conferencing.

The petitioner seeks bail in a case registered for the
offence punishable under sections 307/302 and other ancillary
sections of the Indian Penal Code.

Informant alleges that on 17.4.2019 at about 9 pm
petitioner along with other FIR named accused persons, armed
with lathi and iron rod, entered into his house and started
abusing and assaulting the family members. Meanwhile, co-
accused Mukesh Thakur and the petitioner assaulted his
brother with iron rod causing head injury. Accused persons
also assaulted wife and brother of the informant when they



tried to save the victim. It is also alleged that the accused persons took away ornaments and Rs.15,000/- from the house of the informant. Brother of the informant declared dead in the hospital.

Learned counsel for the petitioner submits that there is no specific allegation against the petitioner rather it has been alleged that the petitioner and co-accused Mukesh Thakur assaulted the victim with iron rod on the head but the post mortem report reveals that only one lacerated wound was found on the head of the deceased and thus the post mortem report does not support the prosecution allegation. He submits that in fact on receiving aforesaid injuries, the victim fell down and sustained accidental injuries on his head which proved fatal. Charge sheet has also been filed in the case. Petitioner has got no criminal antecedent and he is in custody since 31.8.2019.

Learned counsel for the State submits that there is clear allegation in the First Information Report that the petitioner and co-accused Mukesh Thakur assaulted the victim with iron rod on his head which fact has also been corroborated by the post mortem report.

In view of the facts of the case as well as the nature



of allegation, prayer for bail of the petitioner is refused.

Shashi

(Prabhat Kumar Singh, J)

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