

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 18481 of 2021

Arising Out of PS Case No.-105 Year-2020 Thana- SONBARSA District- Sitamarhi

1. Raghunath Thakur, aged about 30 years, Gender-Male, Son of Ramadhar Thakur.
2. Ramesh Thakur, aged about 25 years, Gender- Male, Son of Ram Adhar Thakur.
3. Ram Adhar Thakur, aged about 50 years, Gender-Male, Son of Sahdeo Thakur.
All Resident of Village- Dostiyar Tola, PS- Sonbarsa, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Birendra Kumar, Advocate
For the State	:	Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 17-06-2021

The matter has been heard *via* video conferencing.

2. The case has been heard out of turn on the basis of motion slip filed by learned counsel for the petitioners on 15.06.2021, which was allowed.

3. Heard Mr. Birendra Kumar, learned counsel for the petitioners and Mr. Dinesh Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

4. Learned counsel for the petitioners submitted that petitioner no. 3 namely, Ram Adhar Thakur has been arrested and, thus, sought permission to withdraw the petition on his behalf.



5. In view thereof, as prayed for by learned counsel for the petitioners, the application on behalf of petitioner no. 3 namely, Ram Adhar Thakur, stands disposed off as withdrawn and is restricted to petitioners no. 1 and 2 namely, Raghunath Thakur and Ramesh Thakur, respectively.

6. The petitioners no. 1 and 2 apprehend arrest in connection with Sonbarsa PS Case No. 105 of 2020 dated 06.06.2020, instituted under Sections 302/34 of the Indian Penal Code.

7. The allegation against the petitioners and others is of assault on the informant, her husband and son and specifically against the petitioners no. 1 and 2 that after another co-accused had given blow on the head by iron rod, when the husband of the informant fell down, they along with others had also assaulted.

8. Learned counsel for the petitioners no. 1 and 2 submitted that besides having clean antecedent, they have no role in the incident and have been falsely implicated just because they are sons of petitioner no. 3, who is said to have specifically assaulted the deceased with iron rod on the head. It was submitted that even the postmortem report discloses only one lacerated wound on the head and one wound on the neck and death is due to



shock and hemorrhage and there is general and omnibus allegation of assault against the petitioners and three others.

9. Learned APP submitted that the husband of the informant has died and there is allegation of assault by the petitioners also. However, it was not controverted that petitioner no. 3, who has been arrested, is said to be the main assailant who gave the first blow and thereafter, the allegation is general and omnibus against the petitioners and three others.

10. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner no. 1 and 2 namely, Raghunath Thakur and Ramesh Thakur, be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in Sonbarsa PS Case No. 105 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioners no. 1 and 2, (ii) that the petitioners no. 1 and 2 and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioners no. 1 and 2 and (iii) that they shall co-operate with the



police/prosecution and the Court. Any violation of the terms and conditions of the bonds or the undertaking or failure to co-operate shall lead to cancellation of their bail bonds.

11. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners no. 1 and 2, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners no. 1 and 2.

12. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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