

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46764 of 2021

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

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MUKESH THAKUR S/o LATE KAMLESH THAKUR R/o VILLAGE-
MAKARI, P.S-LAURIYA, DISTRICT-WEST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Adv.

For the Opposite Party/s : Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 29-09-2021 Heard Mr. Shivjee Singh, learned counsel for the

petitioner and Mr. Nagendra Prasad, learned Additional Public

Prosecutor for the State.

Petitioner renews his prayer for bail in connection
with Lauriya PS Case No. 88/2019 registered for the offence
punishable under Sections 341, 323, 302, 458, 379, 504, 506,
427/34 of the IPC inasmuch as earlier bail application of the
petitioner was dismissed as withdrawn *vide* order dated
05.11.2020 passed in Cr. Misc No. 27772/2020 (Annexure-1)
with liberty to renew his prayer for bail after six months.

The allegation, as per the First Information Report, is
that the petitioner along with other accused persons, allegedly,
assaulted on the head of the brother of the informant by means
of iron rod, due to which, he died.



Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case due to village rivalry. Learned counsel next submits that the allegation as per FIR, is that two persons assaulted the deceased whereas in the postmortem report only one injury by hard and blunt substance has been found. Learned counsel also submits that the petitioner is in custody since 31.08.2019 and the trial is not likely to be concluded in near future due to Covid-19 pandemic.

This Court *vide* its order dated 25.08.2021 had called for a report from learned ADJ-IX, Bettiah, West Champaran regarding stage of trial and in pursuance thereof, the report *vide* letter No. 255 dated 31.08.2021 has been received disclosing therein that only charges have been framed and out of 11 witnesses, none of the witnesses has been examined.

Regard being had to the submissions made by the parties and taking into consideration the material on record and the fact that the petitioner is in custody since 31.08.2021, trial is not likely to be concluded in near future due to pandemic of COVID-19 and this is the second attempt for bail on behalf of petitioner, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, MUKESH THAKUR be released on bail on furnishing bail bond of Rs. 20,000/-



(Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IX, Bettiah, West Champaran/concerned court in connection with Lauriya PS Case No. 88/2019.

(Anil Kumar Sinha, J)

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