

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38953 of 2020**

Arising Out of PS. Case No.-173 Year-2020 Thana- GOPALPUR District- Bhagalpur

1. BHAGIRATH THAKUR, Son of Late Tuntun Thakur, Resident of Village- Azadnagar, Balu Tola, Karari Tintenga, P.S.- Gopalpur, Distt.- Bhagalpur.
2. Fulchand Thakur, Son of Bhagirath Thakur, Resident of Village- Azadnagar, Balu Tola, Karari Tintenga, P.S.- Gopalpur, Distt.- Bhagalpur.
3. Gulchand Thakur @ Gulshan Thakur, Son of Bhagirath Thakur, Resident of Village- Azadnagar, Balu Tola, Karari Tintenga, P.S.- Gopalpur, Distt.- Bhagalpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
For the Opposite Party/s	:	Mr. Anil Kumar Singh No. 1, A.P.P.
For the Informant	:	Mr. Rajiv Ranjan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 23-07-2021 Learned Senior Counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners, learned counsel for the informant and Mr. Anil Kumar Singh No. 1, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Gopalpur P.S. Case No. 173 of 2020 registered for the offence punishable under Sections 341, 323, 307, 302, 504, 506/34 of the Indian Penal Code.



As per the prosecution story, there was a quarrel between the petitioners' side and with the prosecution side over construction of cow-shed on a piece of land. It is alleged that during the quarrel on the order of Bhagirath Thakur (petitioner no. 1) the co-accused Subhash Thakur assaulted the deceased by iron rod on his head and because of that injury Rupesh Thakur (Deceased) died. Later on it is alleged in the F.I.R. that all the accused persons named in the F.I.R. had assaulted the deceased. Altogether 11 persons are named in the First Information Report.

Learned Senior Counsel for the petitioners submits that from the F.I.R. itself it is clear that the overt act was committed by the co-accused Subhash Thakur. The post-mortem report shows only one injury on the head and the said injury seems to have proved. The two other injuries on non vital parts of the body had been found simple in nature.

It is further submitted that co-accused Nibhash Thakur and Bibhash Thakur have been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 37117 of 2020.

Mr. Anil Kumar Singh No. 1, learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioners but it is not denied that the specific allegation of



overt act is against co-accused. Learned counsel for the informant has also repeated the same.

Considering the facts and circumstances of the case, wherein there are general and omnibus allegations against the petitioners, the petitioner no. 1 is allegedly the order giver but no overt act has been alleged to him, the specific allegation is against co-accused Subhash Thakur, this Court directs release of the petitioners above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1, Naugachhia in connection with Gopalpur P.S. Case No. 173 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or



tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

