

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6259 of 2021**

Arising Out of PS. Case No.-111 Year-2020 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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SHATRUGHAN THAKUR, S/o Late Bhuneshwar Thakur, Resident of
Village-Kushiharpur Ramani, P.S-Kanti, District-Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr.Rudal Singh, Advocate
For the Opposite Party/s	:	Mr.Atul Chandra, A.P.P.
For the Informant	:	Mr. Abhay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 12-08-2021 Learned counsel for the petitioner 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 petitioner, learned
counsel for the informant and Mr. Atul Chandra learned A.P.P.
for the State.

Petitioner in the present case is seeking regular bail in
connection with Kanti P.S. Case No. 111 of 2020 corresponding
to G.R. No. 592 of 2020 registered for the offence punishable
under Section 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per
the prosecution story the informant had seen the alleged

occurrence in a torch light. He noticed that co-accused Jhunjhun Thakur @ Jitendra Thakur was pressing the neck of the son of the informant and this petitioner had been pressing both the legs of the son of the informant. The other co-accused have also been assigned different role.

Learned counsel for the petitioner submits that it is a case of false implication of each and every member of the family of the petitioner because of prior enmity. So far as this petitioner is concerned, it is alleged that he had kept both the legs of the deceased pressed but in the post-mortem report there is no indication of any injury on the legs. The death has taken place due to asphyxia.

Learned counsel further submits that the petitioner has got one criminal antecedent which is a case lodged by this very prosecution party and in the said case the petitioner is on bail. In the present case he is in custody since 26.02.2020.

Learned counsel for the informant as well as Mr. Atul Chandra, learned A.P.P. for the State have opposed the prayer for regular bail of the petitioner. The case diary has been received and in the case diary the post-mortem report shows only two side injuries on the neck of the deceased.

Considering the facts and circumstances of the case

wherein this petitioner had allegedly pressed both the legs of the deceased when the occurrence was taking place but there is no sign of injury on his legs, the petitioner has remained in custody for about one and half year, this Court directs release of the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, West, Muzaffarpur in connection with Kanti P.S. Case No. 111 of 2020 corresponding to G.R. No. 592 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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)

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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’.