

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2436 of 2021**

Arising Out of PS. Case No.-385 Year-2019 Thana- TAJPUR District- Samastipur

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RENU DEVI ALIAS RUBI DEVI WIFE OF KANHAIYA THAKUR
RESIDENT OF VILLAGE- MORWA DIH, P.S.- TAJPUR, DISTRICT-
SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate.

For the Opposite Party/s : Mr. H.A. Khan, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 12-04-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with S.T. Case No. 72 of 2020 arising out of Tajpur P.S. Case No. 385 of 2019 registered for the offence punishable under Sections 109, 302, 34 of the Indian Penal Code.

As per the prosecution case, allegation against the petitioner is that when informant's father in law namely Binod



Thakur @ Pappu Thakur and her husband namely Ganesh Thakur prohibited engross in their personal (Own) way to Vinay Thakur and his mother namely Ruby Devi and her husband Kanhaiya Thakur and Shivam Kumar. They did not stop going and threatened to shoot them. On 19.10.2019 at 10:30 morning Vinay Thakur parked a motor cycle without number plate in her personal (Own) way then some altercation was become, after sometime at about 1:45 O'clock when, informant's father in law and husband were cutting their Bash at the same time Vinay Thakur came with his father and mother and abusing them. On *hulla* informant came with her Gotani Anupam Kumari and mother in law namely Indu Devi. Thus mother and father of Vinay Thakur were instigation him to shoot him and Shivam Kumar was also supporting him. Then Vinay Thakur shoot her father in law on chest and head he felled down on the road when her husband want to catch him then one bullet shoot in his chest after that Vinay Thakur fled away with Shivam by Motorcycle. Her father in law Binod Thakur died on spot and her husband Ganesh Thakur died in course of going to treatment.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He is quite



innocent and has been falsely implicated in this case. He submits that there is specific allegation against the co-accused Vinay Thakur who fired upon the deceased. He submits that there was a dispute between the parties with regard to the *Rasta* and enmity was persisting. He submits that from FIR it is clear that there is no specific allegation against the petitioner rather whole thrust of allegation is against Vinay Thakur. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent as mentioned in Para 3 of the bail application and has been languishing in custody since 23.10.2019

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Sessions Trial No. 72 of 2020, arising out of Tajpur P.S. Case No. 385 of 2019.



GAURAV S./-

(Anjani Kumar Sharan, J)

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