

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.71 of 2021**

Arising Out of PS. Case No.-67 Year-2020 Thana- DANDKHORA District- Katihar

Mohan Thakur, Son of Bibhishan Thakur, Resident of Village - Durgasthan,
Police Station - Dandkhora, District - Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah, Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 27-07-2021 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 and Mr. Syed
Ehteshamuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Dandkhora P.S. Case No. 67 of 2020 registered

for the offence punishable under Section 302 of the Indian Penal

Code.

As per the prosecution story, while the Dever of the

informant had left his home for village Ratanpura, petitioner had

assaulted him brutally due to which he died on 05.07.2020. It is

alleged that Mohan Thakur (petitioner) used to threaten to kill

him.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and save and except suspicion there is no material against him. He is in custody in connection with this case since 07.07.2020 and at this stage though the investigation is complete but the trial is not likely to take place in near future. Learned counsel also submits that in any case it cannot be a case under Section 302 of the Indian Penal Code.

On the other hand, Mr. Syed Ehteshamuddin, learned A.P.P. for the State has taken this Court through the case diary. He has read out statements made in paragraph '9', '10', '64' and '65' as also the post-mortem report. All the witnesses have stated that on account of fishing and distribution of fish the deceased was badly assaulted by this petitioner and this was told by the deceased to the witnesses, the witness in paragraph '10' had brought him to his house and he also states that this petitioner had the scuffle with the deceased in which he had assaulted him. The post-mortem report shows abrasion on the body.

Considering the facts and circumstances of the case, the materials on the record, this Court having noticed that more

than two witnesses are supporting the prosecution case and the injury is also corroborating the same, this Court is not inclined to release the petitioner on bail at this stage. The prayer for bail of the petitioner is, thus, refused.

Let the trial be concluded at the earliest and preferably within a period of one year from the date of start of normal functioning of the court. If the trial remains unconcluded within the aforesaid period for no reason attributable to the petitioner, he may renew his prayer for bail.

The application stands disposed of accordingly.

(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'.