

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39961 of 2020

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

SUBHASH THAKUR Son of Late Shyamdev Thakur Resident of Village -
Azad Nagar Tola, Karari Tintanga, P.S.- Gopalpur, Dist. - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sharda Nand Mishra, Adv.
For the Opposite Party/s	:	Mr.Dilip Kumar No.1, APP
For the Informant	:	Mr.Rajive Ranjan Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-03-2021 Heard the parties.

The petitioner seeks bail in a case registered for the offence punishable under Sections 341, 323, 307, 302, 504, 506, 34 of the Indian Penal Code.

Allegation against the petitioner along with other accused persons is of assaulting the victim and his family member by lathi-danda and iron-rod due to which victim injured and died.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to land dispute between the parties. He further submits that there is no specific allegation against the petitioner as per FIR. During investigation, no eye witness has supported the



prosecution case. There is no overt act against the petitioner. Other family members of the witnesses have supported the prosecution case. The petitioner is in jail custody since 23.07.2020. The petitioner has no criminal antecedent which is mentioned in para 3 of the bail petition.

Learned counsel for the informant submits that there is specific allegation against the petitioner who had hit upon the head of the victim by an iron rod resulting in his death. The post mortem report also supported the prosecution case.

Learned APP for the State opposes the prayer for bail petition.

Considering the aforesaid facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected in connection with Gopalpur P.S. Case No. 173/2020 from the Court of learned A.C.J.M.-1st, Naugachia.

Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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