

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4755 of 2021

Arising Out of PS. Case No.-543 Year-2018 Thana- KUDHNI District- Muzaffarpur

SHANU THAKUR @ SHALU S/o Shri Sushil Kumar Thakur R/o Village-
Raghauli, P.S.- Bisfi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Udbhav, Advocate.

For the Opposite Party/s : Mr. Shailendra Kumar 2, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-04-2021 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 Kudhani (Turki O.P.) P.S. Case No. 543 of 2018, dated 30.10.2018 registered for the offence punishable under Sections 364, 504, 34 of the Indian Penal Code to which later on Section 302 of the I.P.C. was also added.

The prosecution case in short is that, one Dipak Kumar Singh lodged a written report stating therein, *inter alia*, that on



29.10.2018 at around 23:12 hours his brother Sachin Kumar @ Munna along with three others were gone to Vaishali hotel for eating where they were assaulted by the petitioner and four other co-accused persons. The accused persons fired with an intention to kill and they abducted Sachin Kumar @ Munna on the WagonR vehicle. The reason for the aforesaid incident is money dispute.

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 submits that even as per the F.I.R. informant is not a witness of the alleged occurrence and that Dhirendra and others have allegedly committed the so called occurrence and only with a view to save their skin, got the present false case lodged by giving wrong information.

Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Hon'ble Court *vide* Cr. Misc. No. 74825 of 2019 dated 19.03.2020 and the said order also goes to show that the present case was allegedly lodged on 30.10.2018 at 5 and Section 302 in the present case was added on 06.11.2018, whereas the *post mortem* of the deceased was already conducted on 30.10.2018 at



about 12.40 p.m. at S.K.M.C.H, Muzaffarpur and in the *post mortem* report there is mention of Paroo P.S. Case No. 1069 of 2018 dated 30.10.2018. Learned counsel for the petitioner submits that petitioner is quite innocent and has been falsely implicated in this case. 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 earlier made accused in three cases as mentioned in Para 3 of the bail application and he is on bail in all the three cases and has been languishing in custody since 04.07.2020.

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 Kudhani (Turki O.P.) P.S. Case No. 543 of 2018.

(Anjani Kumar Sharan, J)

GAURAV S./-

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