

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7047 of 2021**

Arising Out of PS. Case No.-219 Year-2019 Thana- TARIYANI CHOWK District- Sheohar

NAWAB THAKUR @ NABAB THAKUR Son of Ram Ekwil Thakur
Resident of Village- Pahjilpur P.S.- Rajepur, Motihari (East Champaran), at
present Address- Father- in- Law Ram Jasthakur, Resident of Village- Barahi,
P.S.- Triyani, Distt- Sheohar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms.Madhubala Verma, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

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

2 16-04-2021 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 learned

A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail

in connection with Tariyani P.S. Case No. 219/2019 registered

for the offences punishable under Section 120(B), 302 of the

Indian Penal Code.

Learned counsel for the petitioner submits that as per

the prosecution story the father of the deceased alleged that the

petitioner had taken his son from his house towards Mushahari

market on the pretext of taking him on a stroll but thereafter



his son did not return till late night on 07.11.2019, early in the morning at about 6:00 A.M. one co-villager informed him that dead body of his son was lying near the house of Prem Sahni.

Learned counsel submits the son of the petitioner was a dreaded criminal, he was involved in at least three cases which are stated in paragraph '8'. An occurrence had taken place in the house of one Harihar Sah, who is father of Prem Sahni, on 06.11.2019 at about 11:00 P.M. Son of the informant entered into the house of co-accused Prem Sahni with his associates for committing dacoity and had tried to commit rape with his daughter but on alarm having been raised by the family, the villagers assembled and assaulted the dacoits in which one of the dacoits namely Umesh Sahni son of the informant was killed.

Learned counsel submits that neither the petitioner had taken away the son of the informant nor any dispute had arisen between the two persons.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is submitted that from the order passed by a learned coordinate Bench of this Court in the case of co-accused in Cr. Misc. No. 8608/2020 (Prem Sahni & Ors. Vs. State of Bihar) it would appear that the petitioners in the said case were having clean antecedent and in fact it was submitted before



the learned coordinate Bench that father of the petitioner no. 1 had lodged the complaint about the alleged attempt to commit dacoity and rape in his house, the most important fact which has been taken note of by learned coordinate Bench is that Umesh Sahni son of the informant and this petitioner both had been indulged in the alleged dacoity and allegedly in the said assault son of the informant was killed whereas this petitioner was injured.

Learned A.P.P. for the State thus submits that considering the seriousness of the offence alleged and the criminal antecedent of the petitioner he does not deserve privilege of regular bail at this stage.

Having regard to the facts and circumstances of the case wherein this court has noticed that the case of this petitioner is completely distinguishable from the case of petitioners in Cr. Misc. No. 8608/2020, he is said to be one of the persons who had got indulged in committing dacoity allegedly with the son of the informant, he had received injury in the same occurrence and further this Court finds that the petitioner has got as many as 12 cases on his head, this Court is not inclined to grant privilege of regular bail to the petitioner.

Prayer for regular bail of the petitioner is, thus, refused.



Let the trial be expedited. If the trial is not concluded within a period of one year, the petitioner may renew his prayer for bail. The trial court is expected to proceed with the trial as expeditiously as possible by fixing the case on a short interval, no long date shall be fixed and both the prosecution as well as the defence shall cooperate in course of trial.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

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'.

