

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27276 of 2021

Arising Out of PS. Case No.-704 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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SHRI PRAKASH THAKUR Son of Late Girija Nandan Thakur Resident of
Village- Madhubani, Police Station- Sadar and District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No.2, Advocate.
For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 26-04-2022 Heard the parties.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Sadar P.S. Case No. 704 of 2020 for the offence punishable
under Sections 302 and 120B of the Indian Penal Code and
Section 27 of the Arms Act.

Allegation against the accused persons including the
petitioner is of resorting to indiscriminate firing on the husband
of the informant, as a result of which, the husband of the



informant died. Reason behind the occurrence is due to a dispute with respect to partition between the parties. Petitioner and informant are agnates and the deceased happens to be brother of the petitioner.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is aged about 75 years and the said fact has come in course of investigation. There is dispute between the parties relating to partition and due to said enmity the petitioner has been roped in the present case. The CCTV camera installed in the house of the petitioner was examined by the expert and from the footage of said CCTV camera, two persons were seen going to the place of occurrence from the house of the petitioner and thereafter CCTV footage shows that the said two persons were fleeing away from the place of occurrence. Learned counsel for the petitioner further submits that even if it is assumed that one of the unidentified persons on the motorcycle was the petitioner, the allegation of resorting to fire cannot be levelled against the petitioner as four accused persons are named in the F.I.R. The allegation is of general and omnibus nature and as such, the petitioner who is an old person deserves to be released on bail.

Learned APP for the State vehemently opposed the



prayer for bail to the petitioner. He submits that there are sufficient materials in the case diary and even from the footage of CCTV camera which was installed in the house of the present petitioner, it cannot be conclusively established that the petitioner was not involved in the alleged murder of his brother. Admittedly, there is enmity between the parties which led to commission of murder. Independent witnesses have supported the allegation made in the F.I.R. Post mortem also reveals five injuries on the body of the deceased. Learned counsel for the informant has also vehemently opposed the prayer for grant of bail to the petitioner.

Having perused the allegation made in the F.I.R. and the materials brought in course of investigation, prima facie it appears that the petitioner's involvement in the alleged commission of murder of his brother cannot be denied. Both the parties are agnates and the dispute arose due to partition which led to the murder of the husband of the informant who is the own brother of the present petitioner.

Taking into consideration the serious nature of allegation made against the petitioner and the materials as well as statement of the independent witnesses who have supported the allegation, I am not inclined to enlarge the petitioner on bail.



Accordingly, the present bail application is rejected.

The trial court is directed to conclude the trial well
within a period of nine months.

(Purnendu Singh, J)

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