

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21012 of 2022**

Arising Out of PS. Case No.-300 Year-2008 Thana- BISFI District- Madhubani

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LOCHAN THAKUR @ SAILENDRA THAKUR Son of Late Debu Kumar
@ Debu Thakur Resident of Village - Balha, P.s.- Bisfi, Distt.- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi
For the Opposite Party/s : Mr. Syed Mojibur Rahman

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 08-09-2022 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

The petitioner has preferred this application for grant of regular bail in a case registered u/s 302 read with 34 of the Indian Penal Code.

As per the prosecution case, the petitioner holding bamboo stick and co-accused holding iron rod came to the informant's courtyard and assaulted the informant's husband indiscriminately causing head injuries while the informant's husband was sleeping in the said courtyard. As a result, the



informant's husband died during the course of treatment.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has clean antecedent as stated in para 3 of the bail petition. There is no specific allegation against the petitioner. Charge-sheet has already been submitted against the petitioner. It is further submitted that the petitioner is the full brother of the deceased and he along with his family used to live separately outside the state in Ludhiana and his brother (the deceased) resides in his native house and no partition of property was held between them and on this basis, the informant and his family claimed that the whole property belong to them. The petitioner is in custody since 23.12.2021.

Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner by submitting that there is specific allegation against the petitioner of assaulting the informant's husband causing head injury while he was sleeping in his courtyard and as per the post-mortem report cause of death of the deceased is shock and haemorrhage caused by head injury.

Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the



petitioner, I am not inclined to enlarge the petitioner on bail.

Learned trial Court is directed to expedite the trial and
conclude the same at the earliest.

The bail application is rejected.

(Chandra Prakash Singh, J)

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