

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30709 of 2022

Arising Out of PS. Case No.-131 Year-2021 Thana- BAJPATTI District- Sitamarhi

Subir Thakur @ Omprakash Thakur Son Of Suvansh Thakur Resident Of
Village- Mohmmadpur , P.S- Bajpatti , Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate

For the Opposite Party/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 20-10-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Bajpatti P.S. Case No. 131 of 2021 registered for the offences
punishable under Sections 341, 323, 324, 307, 379, 504 and 34
of the Indian Penal Code.

As per the prosecution's story, the informant has
alleged that on the alleged date and time the informant's uncle
was fencing his land, in the mean time, the petitioner with other
co-accused persons armed with weapons (*Farsa, Gandasa etc.*)
came at the land of the informant's uncle and tried to stop him



from fencing the land by abusing him and upon making protest by the informant's uncle co-accused Binod Thakur hit him on his head by means of *farsa* and when one namely Bhavesh Kumar tried to safeguard him then he was hit on head by means of *Gandasa* by petitioner due to which he fell unconscious. Further it is alleged that Ranju Devi was also assaulted by co-accused persons Neha Kumari and Ravita Devi and a gold chain was snatched from Ranju Devi and the accused broke the informant's hand and the informant's aunt and mother were also assaulted by all the accused persons.

The main submissions advanced by the learned counsel Mr. Devendra Kumar appearing for the petitioner are that both the parties are blood related and in between them there is a case and counter case, the petitioner has a clean antecedent and at the time of alleged occurrence there was a dispute in between the parties with regard to share of parental land which led to occurrence of free fight in which both the sides sustained injuries and the petitioner has been languishing in jail since 27.03.2022.

Learned APP Mr. A.G appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the case



diary. As per the FIR there is a serious allegation appearing against the petitioner and he is alleged to have assaulted the injured person namely Bhavesh Kumar when the said injured intervened to safeguard his uncle Tapeswar Thakur who sustained seven injuries in which four injuries were found incised wounds and the injured person namely Bhavesh Thakur sustained two incised wounds and as per the prosecution's story the said injured person was assaulted by this petitioner when he tried to safeguard his uncle from the attack of accused persons in which the petitioner was also a party. Considering the nature of allegation in the opinion of this Court the petitioner does not deserve a privilege of bail. Accordingly his prayer stands rejected.

The Court below is directed to take steps to expedite the trial of the petitioner and conclude the same as early as possible. If the trial of the petitioner is not concluded in the said period then the petitioner may renew his bail prayer.

(Shailendra Singh, J.)

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