

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42259 of 2021

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

BALLAM THAKUR @ BALRAM THAKUR S/o Late Bilat Thakur
Resident of Village - Mahmadpur, P.S. - Bajpatti, Dist. - Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 06-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and the learned APP for the State, Sri Ashok Kumar.

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

The allegation is regarding the accused persons including the petitioner herein, armed with sticks, bamboo clump, iron rod, garasa etc.,



having arrived at the field of the informant and having abused the informant. It is further alleged that the uncle of the informant had asked the accused persons not to abuse them, whereupon the co-accused persons, namely, Vinod Thakur, Subir Thakur, Rampari Devi, Neha Kumari and Ravita Devi, had assaulted the informant and others resulting in them being inflicted with serious injuries.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 14.6.2021. The learned counsel for the petitioner has further submitted that a general and omnibus allegation has been levelled against the petitioner herein and in fact, a bare perusal of the FIR would show that there is no allegation of any sort of overt act having been engaged in by the petitioner herein.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against the petitioner and he is not alleged to have engaged in any sort of specific overt act, apart from the fact that he is languishing in custody since 14.6.2021, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M, Pupri at Sitamarhi in connection with Bajpatti P.S.Case No. 131/2021.

(Mohit Kumar Shah, J)

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