

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35403 of 2022

Arising Out of PS. Case No.-100 Year-2021 Thana- MUSAHARI District- Muzaffarpur

DHARMENDRA KUMAR S/o Sunil Thakur RESIDENT OF VILLAGE-
VINDA, P.S.- MUSHARI, DISTRICT- MUZAFFARPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Hari Kishore Thakur
For the Opposite Party/s:		Mr.Arun Kumar Singh
For the State	:	Mr. J.N. Thakur, APP.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 02-11-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioner as well as Mr. J.N. Thakur, learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Mushari P.S. Case No. 100 of 2021, registered for the offences punishable under Sections 147, 149, 341, 323, 452, 307 and 302 of the Indian Penal Code.

The informant Usha Devi is mother of deceased Pankaj Kumar. She has stated in her *fardbeyan* that on 02.06.2021 at about 4:00 P.M., some altercation had taken place between her son (deceased) and co-accused Sanjay Kumar. Thereafter, nine



named accused persons, including the petitioner came there and after entering into her house, they badly assaulted her son Prakash Thakur with *lathi*, fist, slaps etc. and made him badly injured. Prakash Thakur died in SKMCH, Muzaffarpur during course of treatment.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated. He has submitted further that both the parties are agnates. The FIR has been lodged after five days of the occurrence. He has also submitted that as per the post mortem report, stitched wounds were found which show that he was ailing prior to the occurrence and cause of the death was his ailment.

On the other hand, Mr. J.N. Thakur, learned Additional Public Prosecutor has opposed the prayer for bail and submitted that the witnesses, including the mother and wife of the deceased, have supported the entire occurrence who are the eye witnesses of the case. He has also submitted that the anti-mortem injuries were found on the dead body.

In my view, it is not a fit case for regular bail. Accordingly it is rejected.

However, the petitioner, if so advised, may renew his prayer for bail after framing of charge.



Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Nirmal/HR

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