

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47752 of 2021

Arising Out of PS. Case No.-46 Year-2021 Thana- SIMRI District- Buxar

GANESH THAKUR S/o Late Sheo Kumar Thakur Resident of Village-
Sahiyar, P.S.- Simri, District- Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-01-2022 Heard Shri Krishna Prasad Singh, learned Senior
Counsel for the petitioner and Shri Ashok Kumar Singh, learned
A.P.P. for the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Simri P.S. Case No. 46 of 2021 instituted for the offences under
Sections 302, 201, 120(B) of the Indian Penal Code read with
Section 27 of the Arms Act.

Learned Senior Counsel for the petitioner submits that
the petitioner is in custody since 18.02.2021, is a person with
clean antecedent, charge-sheet has been submitted in this case
and also charges against the petitioner has been framed.

Learned Senior Counsel for the petitioner submits that
the informant in the FIR alleges that his land is adjacent to the



land of the petitioner and he was adamant to start construction on the land of the informant which was objected by the informant and his son and they requested the petitioner to stop construction, unless the land is not measured. It is further alleged that after measurement, the land on which the petitioner intended to start construction was in the share of the informant, thus informant and his son objected the petitioner on which petitioner became furious and threatened of dire consequence and even tried to kill the son of the informant with the help of named accused persons but his son managed to escape. It is further alleged that on 15.02.2021, the son of the informant had gone to his field for guarding his Tomato field but when he did not return in the morning of 16.02.2021, the dead body of the son of the informant on search being made was found. As such, the informant on basis of suspicion alleges that the petitioner along with other accused killed his son on account of land dispute.

Learned Senior Counsel for the petitioner submits that on perusal of the allegation as alleged in the FIR, it would manifest that admittedly there was a land dispute between the petitioner and the informant. Learned Senior Counsel further submits that when already the dispute was going on no prudent



man, who has no criminal history, would commit such an occurrence and will get implicated. Learned Senior Counsel also submits that the petitioner has been implicated merely based on suspicion that he might have killed the son of the informant when there is no eyewitness of the occurrence.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that from perusal of the impugned order, it would manifest that eyewitnesses have stated before the police that they had seen the petitioner with pistol near the place of occurrence. Learned A.P.P. further submits that in the investigation, it has come that the GPS location of the mobile of the petitioner was also found at the place of occurrence and the petitioner has also confessed his version before the police after his arrest.

Learned Senior Counsel for the petitioner submits that the witnesses have not seen the petitioner committing the occurrence, rather they have stated that they had seen the petitioner with pistol in his hand at the place of occurrence. Learned Senior Counsel further submits that the witnesses are from the side of the informant and they have tried to falsely implicate taking advantage of the dispute between the informant and the petitioner. Learned Senior Counsel also submits that as



far as the mobile is concerned since the petitioner also belongs to the same village and his house is also near the place of occurrence, as such, the GPS location of the mobile would definitely show that the mobile was near the place of occurrence but during the course of investigation, it has not been disclosed that on what time the mobile of the petitioner was there at the place of occurrence.

Considering the fact that the petitioner is in custody, is a person with clean antecedent, charges have been framed and the allegation in the FIR is based on suspicion, let the petitioner above named be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Buxar in connection with Simri P.S. Case No. 46 of 2021.

(Satyavrat Verma, J)

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