

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55778 of 2021

Arising Out of PS. Case No.-105 Year-2020 Thana- SONBERSA District- Sitamarhi

Ramadhar Thakur, aged about 50 years, Gender-Male, Son of Late Sahdeo Thakur Resident of Village - Dostiyar Tola, P.S.- Sonbarsa, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 24-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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
Sessions Trial No. 157 of 2021 arising out of Sonbarsa P.S. Case
No. 105 of 2020 instituted for the offences under Sections
302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 23.03.2021 , is a person with clean
antecedent and charge-sheet has been submitted.

In the present case, the Informant alleges that her
husband had gone to Panchayati for partition and when he came



back home, the accused persons including the petitioner came variously armed with arms and the petitioner assaulted the son of the Informant with iron rod causing injury and he became unconscious. It is alleged that Umesh Thakur assaulted by spade on the backside of the head of the husband of the Informant who fell down and, thereafter, three named accused persons also started to assault her husband. Further the Informant was also assaulted by the women of the accused. It is further submitted that the husband of the victim died in course of treatment.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that the F.I.R. has been instituted under Section 302 of the I.P.C. and not under Section 307 of the I.P.C. Learned counsel for the petitioner further submits that had there been any injury to the son of the Informant then definitely Section 307 and 326 of the Indian Penal Code would have been added. Learned counsel for the petitioner has placed reliance on the pleadings made at paragraph no.13 of the bail petition stating that there was absolutely no injury on the son of the Informant. He also submits that the co-accused Raghunath Thakur and Ramesh Thakur have been granted bail by a Coordinatge Bench of this Court vide order dated 17.06.2021 passed in Cr. Misc. No.



18481 of 2021.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner but, is unable to meet the submissions made by the learned counsel for the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent and charge-sheet has been submitted and the specific submission made by the learned counsel for the petitioner that the son of the Informant has not suffered any injury, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-V, Sitamarhi in connection with Sessions Trial No. 157 of 2021 arising out of Sonbarsa P.S. Case No. 105 of 2020.

(Satyavrat Verma, J)

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