

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62173 of 2021

Arising Out of PS. Case No.-91 Year-2020 Thana- BALTHAR District- West Champaran

1. Rajeshwar Thakur Son of Late Kalicharan Thakur Resident of Village - Gauchari, P.S.- Balthar, Distt.- West Champaran.
2. Rishi Sah Son of Hiralal Sah Resident of Village - Gauchari, P.S.- Balthar, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 31-03-2022 Heard the learned counsel for the petitioners and the learned APP for the State.

The petitioners seek regular bail in connection with Balthar PS case no. 91 of 2020 instituted for the offences punishable under Sections 341, 323, 447, 446, 354(B), 379, 504, 506/34 of Indian Penal Code.

The informant has alleged that the co-accused persons namely Satpal Thakur, Nitesh Thakur, Anuj Sah and Arun Sah had entered the house of the informant while his daughter was alone and had misbehaved with her, however on alarm being raised, they had fled away. Subsequently, when the informant had come to his house, his daughter has complained



about the said incident, whereafter he had gone to inquire about the incident from the petitioners and other accused persons namely Sharma Sah and Suresh Thakur whereupon they had assaulted the informant and snatched a sum of Rs. 550/- from him.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case, are having a clean antecedent and are languishing in custody since 17.09.2021. The learned counsel for the petitioners has further submitted that the petitioner no. 1 is the father of the co-accused person namely Nitesh Thakur and petitioner no. 2 has got no connection with the aforesaid co-accused persons who have engaged in misbehaving with the daughter of the informant. It is also submitted that a general and omnibus allegation of assaulting the informant has been levelled, however there is no injury report on record to show the complicity of the petitioners in the alleged crime.

Per contra, the learned A.P.P. 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 parties and taking into account the materials available on record as also considering the fact that general and omnibus allegation of assault has been levelled against the petitioners apart from the fact that the petitioners are having clean antecedent and are languishing in custody since about 06 months, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Additional District and Sessions Judge-VIIth cum-Special Juddge, POCSO, West Champaran, Bettiah in connection with Balthar PS case no. 91 of 2020.

(Mohit Kumar Shah, J)

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