

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65156 of 2021

Arising Out of PS. Case No.-462 Year-2020 Thana- SAKRA District- Muzaffarpur

1. SUNIL THAKUR @ PALTAN THAKUR S/O RAJENDRA THAKUR R/o village- Sakra Wajjid, P.S.- Sakra, Distt.- Muzaffarpur
2. NAVIN KUMAR THAKUR S/O RAMBALAK THAKUR R/o village- Sakra Wajjid, P.S.- Sakra, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 65429 of 2021

Arising Out of PS. Case No.-462 Year-2020 Thana- SAKRA District- Muzaffarpur

VIKASH KUMAR THAKUR @ RAJNISH KUMAR THAKUR S/O SUNIL KUMAR THAKUR R/o village- Sakra Wajjid, P.S.- Sakra, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 65156 of 2021)

For the Petitioner/s : Mr.Shashank Shekhar

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

(In CRIMINAL MISCELLANEOUS No. 65429 of 2021)

For the Petitioner/s : Mr.Shashank Shekhar

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 22-03-2022 Heard Mr. Shashank Shekhar, learned counsel for the
petitioners and learned APP for the State.

Since both the cases arise out of same Sakra PS Case
No. 462 / 2020, as such, both were taken up together and are
being disposed of by this common order.



Petitioners seek regular bail in connection with Sakra P.S. Case No. 462 of 2020 registered for the offence under Sections 147 / 148 / 149 / 302 / 448 / 323 / 307 / 427 / 354 (A) of the IPC and Section 27 of the Arms Act.

Allegation as per the First Information Report is that while the children of family members of the informant were playing on the road in front of their house one Ravi Kumar Thakur objected and abused them and upon protest of the informant the accused persons named in the First Information Report came there and abused the informant and others and the petitioner – Navin Thakur caught hold one Md. Mahtab and Ravi Kumar Thakur inflicted knife blow on his chest due to which Md. Mahtab died during the course of treatment in the hospital. It has further been alleged that petitioner of Cr. Misc. No. 65429 / 2021 Vikash Kumar Thakur took out a revolver and fired upon the villagers due to which Md. Kasim sustained fire arm injury on his left armpit. The petitioner – Sunil Thakur is said to be the member of the mob.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case due to rivalry between two communities and they have not committed any offence in the manner alleged. He further submits that



petitioner – Sunil Thakur is said to be member of the mob and allegation against Navin Kumar Thakur is that he caught hold of the deceased – Md. Mahtab and knife blow was inflicted by the co-accused / Ravi Kumar Thakur but during course of investigation independent witnesses have said in paragraphs 12, 13 and 14 of the supplementary case diary that Navin Kumar Thakur and other petitioners arrived at the place of occurrence after the incident had already taken place and they tried to pacify the communal tension which had arisen due to fight between members of two communities. Learned counsel next submits that petitioners are in custody since 14-9-2021 in the 1st case and 7 / 9 / 2021 in the 2nd case having no criminal antecedent, charge sheet has already been submitted and similarly situated co-accused / Prem Niwas whose name transpired during the course of investigation has been granted bail by this court in Cr. Misc. No. 35476 of 2021. Learned counsel next submits that so far allegation of firing upon Md. Kasim by the petitioner – Vikash Kumar Thakur @ Rajnish Kumar Thakur is concerned, learned counsel submits that from perusal of the impugned order it would be evident that he has sustained simple injuries not caused by fire arm and only abrasion of 1” x 1/2” on his left armpit has been found.



Regard being had to the submissions made by the parties and taking into consideration the fact that allegation against petitioner - Sunil Thakur is that he was merely a member of the mob and the statement of the witnesses recorded during the course of investigation and the fact that petitioners have got no criminal antecedent, they are in custody since 14-09-2021 and 7 / 9 / 2021 respectively, similarly situated co-accused has been granted bail by this court and no fire arm injury has been caused to Md. Kasim and the injury sustained is simple in nature , as such, I am inclined to grant regular bail to the petitioners.

Let the petitioners, Sunil Thakur @ Paltan Thakur, Navin Kumar Thakur (Cr. Misc. No. 65156 / 2021) and Vikash Kumar Thakur @ Rajnish Kumar Thakur (Cr. Misc. No. 65429 / 2021) respectively be released on regular bail on furnishing bail bond of Rs. 10000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM-XII, Muzaffarpur East in connection with Sakra P.S. Case No. 462 of 2020.

(Anil Kumar Sinha, J)

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