

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14480 of 2023

Arising Out of PS. Case No.-154 Year-2022 Thana- POTHIIYA District- Kishanganj

SHIV SUNDER THAKUR Son of Late Bishwar Thakur R/v- Noonyagachh,
P.S.- Pothia, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 12-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with
Pthia P.S. Case No. 154 of 2022 instituted for the offence under
Sections 341, 323, 307, 302, 201 of the Indian Penal Code.

As per allegation in the FIR, the informant alleged
that the petitioner forcibly took her husband to deserted place on
the pretext of attending the marriage ceremony and assaulted
him mercilessly. The petitioner left the informant's husband in
unconscious condition. Thereafter, the informant's husband was
died during course of treatment.

Learned counsel for the petitioner submits that the
petitioner is innocent and committed no offence. He has falsely
been implicated in this case. It is further submitted vide para-8



of the petition that the real fact of this case is mentioned in U.D. case no. 600 of 2022 that the deceased met an accident while he was coming his house on 17.5.2022 due to which he sustained head injury and died during treatment, in support of this fact, Annexure-2 has been annexed with the petition. The informant herself is not an eye witness of the alleged occurrence. The petitioner has go no criminal antecedent and languishing in judicial custody since 17.7.2022.

Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioner is named in the FIR upon whom the specific allegation has been made. From perusal of the case diary, the witnesses in this case supported the prosecution vide paras 7, 8, 16 and 17 and stated that the petitioner was carrying the injured husband of the informant in an unconscious state. It is further submitted that husband of the informant, after regaining consciousness had stated that this petitioner was assaulted him. Moreover, the postmortem report also corroborates the prosecution case in which the cause of death is opined due to head injuries.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail



stands rejected.

The trial Court is directed to expedite the trial and
conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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