

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38636 of 2023

Arising Out of PS. Case No.-441 Year-2022 Thana- SIMRI District- Buxar

Munna Thakur Son of Late Sudarshan Thakur Village Sahiyar P S Simri
District Buxar

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr. Dinesh Jha, Advocate
For the State	:	Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a
period of four weeks from today.

3. The petitioner seeks bail in connection with
Simri P.S. Case No. 441 of 2022 registered for the offence under
Section 302/34 of the Indian Penal Code.

4. The accused/petitioner is named in the F.I.R. and
is in custody since 13.12.2022.

5. The allegation against the petitioner is to commit
murder of brother of informant by hitting with tractor, where
occurrence arises out of pending land disputes.

6. Learned counsel appearing on behalf of the



petitioner submitted that while during the course of occurrence petitioner was fleeing away with his tractor out of accident the brother of informant died, the death of brother of informant by tractor is not a disputed fact. It is submitted that during the course of occurrence the brother of informant was seriously injured and was hospitalized for about 21-22 days. While concluding the argument, it has been submitted that petitioner found involved in two more criminal cases, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP duly assisted by learned counsel for the informant while opposing the prayer of bail submitted that hitting with tractor is appearing intentional as per narration of F.I.R., as it was done repeatedly till death of brother of informant, suggesting the intention as to cause death and as such occurrence is not accidental as submitted above.

8. Considering the facts and circumstances as mentioned above, as death of brother of informant is not disputed out of hitting by tractor coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 13.12.2022, accordingly, above named petitioner



is directed to be released on bail in connection with Simri P.S. Case No. 441 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Buxar/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C., with further conditions:

“(i) That accused/petitioner shall cooperate in the trial

(ii) That accused petitioner shall be physically present on each and every date before the trial Court till conclusion of the trial and exemption from physical appearance be allowed by the trial Court, only on medical ground of the petitioner, duly supported by the documents.”

(Chandra Shekhar Jha, J)

Archana/-

U		T	
---	--	---	--

