

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38051 of 2023

Arising Out of PS. Case No.-325 Year-2022 Thana- SHAHKUND District- Bhagalpur

BADAL THAKUR @ BADAL KUMAR, aged about 19 years, Male, son of
Fultush Thakur, resident of village-Rabichak, P.S.-Sajour, Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned A.P.P
for the State.

2. The petitioner seeks bail in connection with Shahkund
(Sajour) P.S. Case No. 325 of 2022 dated 03.10.2022 registered
for the offence punishable under Sections 341, 323, 325, 307
and 34 of the Indian Penal Code. Later on Section 302 of the
Indian Penal Code was also added.

3. The prosecution case, in short, is that on 03.10.2022 at
about 08:00 am, while the informant was doing some
construction work, the petitioner came along with co-accused
and started altercation. Hearing the hue and cry, the brother of
the informant came to rescue and then the petitioner and co-
accused person started assaulting him (brother of the informant)



and the informant with *lathi* on their head and caused grievous injury. It is further alleged that the petitioner and another co-accused person gave a blow to the head of informant's brother with intention to kill, and he died later on.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that there are two cases against the same offence. One F.I.R. lodged by Dablu Thakur bearing Shahkund (Sajour) P.S. Case No. 325 of 2022 on 03.10.2022 and second case of the same occurrence bearing Complaint Case No. 1916 of 2022 lodged by the informant's mother on 18.10.2022. It is submitted that in both the cases, namely, Shahkund (Sajour) P.S. Case No. 325 of 2022 and Complaint Case No. 1916 of 2022 the allegation against the petitioner is general and omnibus. It is further submitted that in Complaint Case No. 1916 of 2022 story of assault on the person of deceased are alleged to be caused by different accused persons. It is further submitted that there is a case and counter case between the parties of the instant case. Mother of the petitioner also lodged F.I.R. bearing Shahkund (Sajour) P.S. Case No. 326 of 2022 under Section 307 and other sections of Indian Penal Code against the informant and his family members for brutal assault of petitioner's father.



In the complaint case filed by the mother of the informant, there is no allegation against the petitioner in the second part of the occurrence which occurred at 03:00 pm. Lastly, it has been submitted that the petitioner is in custody since 05.10.2022, having one case against him and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Bhagalpur in connection with Shahkund (Sajour) P.S. Case No. 325 of 2022.

(Khatim Reza, J)

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