

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42445 of 2022

Arising Out of PS. Case No.-304 Year-2019 Thana- BAIKUNTHPUR District- Gopalganj

1. ANNU THAKUR Son of Gautam Thakur Resident of Village - Chakia, P.s.- Baikunthpur, Distt.- Gopalganj.
2. Munchun Singh Son of Umesh Singh Resident of Village - Chakia, P.s.- Baikunthpur, Distt.- Gopalganj.
3. Rajnish Singh @ Rajnish Kumar Son of Raju Singh Resident of Village - Chakia, P.s.- Baikunthpur, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh
For the Opposite Party/s : Mr.J.N. Thakur

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

3 10-01-2023 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners as well as Mr. J. N. Thakur, the learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Baikunthpur P.S. Case No. 304 of 2019 registered for offence punishable under sections 341, 323, 302, 506/34 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation, when Rakesh Kumar Das, the



brother of the informant, was returning after taking meals on the occasion of birth day party, the named accused persons badly assaulted him, resulting into his death.

The learned counsel for the petitioners has submitted that in *post mortem* report, the stomach of the deceased was found to be empty, whereas in FIR it has been stated that he was returning after taking meals in birth day party. The learned counsel has further submitted that on similar footing, Sonu Kumar Singh @ Sonu Singh has been granted regular bail in Cr. Misc. No. 36564 of 2021. The learned counsel has also submitted that the deceased might would have been killed in an accident.

On the other hand, the learned APP, Sri J.N. Thakur, has opposed the prayer for bail and submitted that the *post mortem* report shows that that some injuries were found on the persons of the deceased, which are caused by hard and blunt substance and it cannot be said that these injuries are caused by accident.

Co-accused Sonu Kumar Singh & Sonu Singh on similar footing has been granted regular bail after remaining under custody for 10 months. I do not see any reason as to why the same benefit should not be given to the petitioners if they



surrender before the court below within a period of four weeks.

The petitioners are directed to surrender before the court below within four weeks.

With these observations, this bail petition is disposed of.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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