

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47894 of 2024

Arising Out of PS. Case No.-9 Year-2023 Thana- KAMTAUL District- Darbhanga

Santosh Thakur, aged about 33 years (Male), Son Of Sri Raj Nandan Thakur,
R/O- Sotiya Brahmpur East, P.S.- Kamtaul, Distt.- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ajay Kumar Thakur, Ritwik Thakur and Mrs. Vaishnavi Singh, Advocates
For the Informant	:	Mr. Amarendra Narayan, Advocate
For the State	:	Mr. Ravindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

8 01-10-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Kamtaul P.S. Case No. 09 of 2023 dated 11.01.2023 registered for the offences punishable under Sections 341, 323, 324 and 307/34 of the I.P.C.

3. As per the prosecution case, the informant's son went to see his field situated besides his orchard and he was talking on his mobile adjacent to orchard, the accused persons, namely, Raj Nandan Thakur, Santosh Thakur (petitioner), Dhiraj Thakur and Leela Devi armed with *Axe*, *Tengari* and *Spade* came there and ordered to assault him. It is further alleged that



all the accused persons caught hold the informant's son and thereafter the petitioner assaulted on his head with back portion of spade which hit his temple and on the effect of said blow, the victim fell down on the ground. The accused persons, Raj Nandan Thakur and Dhiraj Kumar started assaulting the victim with *Tengari* and *Axe*. When the informant's son got unconscious then the accused persons left him there and fled away from the place of occurrence. Thereafter, the informant's son was taken to the hospital for treatment.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the alleged occurrence took place on 02.01.2023 but the alleged fardbeyan was allegedly recorded on 09.01.2023 and there is no explanation for the same. There is case and counter case between the parties. The petitioner has no concern with the alleged offence. There is no eye witness to the alleged occurrence. It is further submitted that from perusal of the impugned order, it appears that the injured died on 19.11.2023 i.e., after about ten months of the alleged occurrence and the cause of death has been opined due to *Septicemia*, *Toxemia* and *shock*. It is further submitted that the doctor did not reveal that the cause of death was Septicemia, Toxemia and



Shock which was due to the wound sustained by him prior to death. It is submitted that the other co-accused person, namely, Dhiraj Thakur has already been granted bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 31460 of 2023 under order dated 26.07.2023, annexed as Annexure-4 to the present bail application. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 13.03.2024.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner. Learned counsel for the informant has submitted that the petitioner assaulted the informant's son on the back portion of his head with spade with intention to commit his murder. He further submits that the injury of injured is grievous in nature at the time of admission and subsequently injured died on 19.11.2023 and cause of death was due to *Septicemia, Toxemia* and *shock* which are related to brain.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial



Magistrate-Ist Class, Darbhanga in connection with Kamtaul
P.S. Case No. 09 of 2023 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. However, this order would be effective after framing of charge.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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