

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54607 of 2024

Arising Out of PS. Case No.-835 Year-2023 Thana- PURNEA SADAR District- Purnia

Santosh Thakur @ Santosh Kumar Thakur, aged about 38 years, Male, Son of Late Narayan Thakur, Resident of Village- Birpur Lokhra, P.S- Mufassil, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 02-08-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody in connection with Sadar (Mufassil) P.S Case No. 835 of 2023 registered for the offences punishable under Sections 302/34 of the I.P.C.

3. As per prosecution case, as alleged some persons have killed the wife of the informant by pressing her mouth with pillow on the face.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case due to local village politics. There is land dispute between the parties. It is also submitted that petitioner has got clean antecedent as stated in para 3 of the petitioner is in judicial custody since 27.05.2024.



5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. From perusal of the FIR and impugned order dated 02.07.2024, it appears that the cause of death of the deceased is Asphyxia and shock due to pressure by soft and blunt object that is smothering and also considering the aforesaid facts and circumstances of the case it appears that FIR was lodged after one day from the postmortem report of the deceased and there was no satisfactory explanation as to why FIR was lodged after one day delay of the occurrence and also after the postmortem report of the deceased, as submitted by learned counsel for the petitioner. Similarly situated co-accused person namely Jai Narayan Thakur has been granted bail by this Court in Cr. Misc. No. 13046 of 2024 vide order dated 16.04.2024, so considering the circumstances of the case, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Sadar (Mufassil) P.S Case No. 835 of 2023.

(Ramesh Chand Malviya, J)

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