

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55309 of 2024

Arising Out of PS. Case No.-138 Year-2024 Thana- DHAMDAHA District- Purnia

Ravi Thakur Son Of Sri Shawetamber Thakur @ Madhav Thakur Resident Of
Village- Raipura, P.S. - Akbarpur, District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amit Kumar Anand, Adv.
For the Opposite Party/s	:	Mr. Sanjay Kumar Singh, APP
For the Informant	:	Mr. Ajit Kumar Singh, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 13-11-2024 Heard learned counsel for the petitioner and learned
APP for the State as also learned counsel for the Informant.
Perused the case diary.

2. The petitioner seeks bail in connection with
Dhamdaha P.S. Case No. 138 of 2024 instituted for the offences
under Sections 302, 201, 120(B) and 34 of the Indian Penal
Code.

3. As per prosecution case, when the deceased was
alone inside his house on 19.05.2024, the petitioner along with
other accused persons in a per-planned manner entered into the
house of the deceased at about 6.30 PM and gave fatal blow to
the deceased by throttling and digging out eye of the deceased
in most brutal manner.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner is the *Nati* (grandson) of the accused Gopal Thakur due to which the Informant has falsely implicated the petitioner in the present case. There is no eye-witness to the alleged occurrence. The *Nana* of the petitioner and the Informant are the co-villagers and there is previous land dispute between them. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner or from his house. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature but, the petitioner has been falsely implicated in the present case as he is the *Nati* of Gopal Thakur. None of the prosecution witness has supported the prosecution case. The petitioner is simply a member of the unlawful assembly and no any overt act has been attributed against the petitioner. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 10.06.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State and



the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that petitioner is named in the F.I.R. and there is specific allegation against the petitioner that he along with other accused persons brutally assaulted the deceased. The dead body of the deceased was found in mutilated condition with several injuries in which eye ball of the deceased was dig out by the assailants. The postmortem report also fully supports the prosecution case. The offence alleged is serious in nature and, hence, the petitioner does not deserve bail.

6. Having heard learned counsel for the parties and considering the gravity of offence and nature of allegation being corroborated by the postmortem report, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial.

(Rudra Prakash Mishra, J)

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