

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58830 of 2024

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

Mukesh Thakur S/o- Subhash Thakur @ Subhash Chandra Thakur R/V-
Dhamdaha Dakshin PS-Dhamdaha Dis-Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Mishra, Adv.
For the Opposite Party/s	:	Mr. Jai Narain Thakur, 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. There is an admitted previous land dispute between the parties. There is no eye-witness to the alleged occurrence. He further submits that the petitioner is the own Gotia and earlier Dhamdaha P.S. Case No. 157 of 2023 has been instituted by the petitioner's side against the Informant and his family members. The petitioner has not been apprehended from the place of occurrence and nothing incriminating has been recovered from the conscious possession of the petitioner. 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. None of the prosecution witness has supported the prosecution case. He further submits that the petitioner is the relative of the co-accused Gopal Thakur due to which the petitioner has been falsely implicated in this present case. 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 rhyme 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 and other accused persons of brutally assaulting 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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