

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63759 of 2024

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

Rakesh Thakur @ Rakesh Kumar Thakur S/o Gopal Chandra Thakur R/o vill
- Bishanpur, P.S. - Dhamdaha, Distt. - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 64182 of 2024

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

- 1. Jitendra Thakur Son of Gopal Chandra Thakur @ Gopal Chand Thakur
Resident of village- Bishanpur, P.S.- Dhamdaha, District- Purnea
- 2. Gopal Chandra Thakur @ Gopal Chand Thakur Son of Late Jogendra
Thakur Resident of village- Bishanpur, P.S.- Dhamdaha, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 63759 of 2024)
For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate
Mr. Bidhu Ranjan, Advocate
For the State : Mr. Choubey Jawahar, APP
For the Informant : Mr. Ajit Kumar Singh, Advocate
(In CRIMINAL MISCELLANEOUS No. 64182 of 2024)
For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate
Mr. Bidhu Ranjan, Advocate
For the State : Mr. Parmanand Prasad, APP
For the Informant : Mr. Ajit Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA

ORAL ORDER

4 04-12-2024 Heard learned counsel for the petitioners and learned APP

for the State as also learned counsel for the Informant. Perused

the case diary.



2. The petitioners seek bail in connection with Dhamdaha P.S. Case No. 138 of 2024 instituted for the offence under Sections 302, 201, 120B & 34 of the Indian Penal Code.

3. As per prosecution case, when the deceased was alone inside his house on 19-05-2024, the petitioners along with other accused persons in a pre-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. It has been submitted on behalf of the petitioners that the petitioners are in custody since 25-06-2024. Petitioners bear one criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioners' counsel that petitioners have been falsely implicated in the present case. There is no eye-witness to the alleged occurrence. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners or from their house. There is no direct or specific allegation of any overt act against the petitioners rather the same is general and omnibus in nature, but the petitioners have been falsely implicated in this case. None of the prosecution witnesses have



supported the prosecution case.

6. Learned A.P.P. for the State and learned counsel for the Informant have vehemently opposed the prayer for grant of bail to the petitioners stating that petitioners are named in the FIR and there is allegation against the petitioners that they 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 is serious in nature and, hence, the petitioners do not deserve bail. Prayer for bail of co-accused was rejected by this Court *vide* order dated 13-11-2024, passed in Cr. Misc. No. 55309 of 2024.

7. 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 petitioners.

8. Accordingly, the prayer for bail of the petitioners, above-named, is ***rejected*** with a direction to the court below to expedite the trial.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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