

**In The Court of Addl. Sessions Judge,
Sitamarhi.**

**Bail Petition No. - 1826/2022
(Arise out of Sursand P.S. Case No.- 598/2022)**

Fekhan ThakurPetitioner (s).

versus

State of Bihar.....Opposite Party.

For the petitioner (s):- Sri Upendra Kumar, Advocate.

For the State:- Sri Harimohan Jha, Addl. P.P.

O R D E R

Dated:- 13.01.2023.

This bail petition has been filed on behalf of the accused petitioner, namely, **Fekhan Thakur** who is in custody since 04.12.2022 in connection with Sursand P.S. Case No. 598/2022, dated 16.11.2022, registered u/s 341, 447, 323, 324, 354(B), 379, 504, 506/34 of the IPC, pending in the court of learned Sri Kishor Gaurav, J.M. 1st class, Pupri, Sitamarhi.

Heard learned Counsel for the petitioner and learned Addl. Public Prosecutor on behalf of the state and perused the case record.

The prosecution case in brief as stated in the written petition of informant named as **Anita Devi** (herein called for informant) that on 15.11.2022 at about 07:30 P.M. this accused Fekhan Thakur came at the door of informant and began to abuse the informant. When the informant opposed this accused assaulted the informant and dragged her by pulling her hair. That she became semi nude, in the mean time other accused persons came with stick (lathi and

Danda) and badly assaulted the informant, that this accused petitioner assaulted the informant over her head by iron rod. That there was profuse bleeding due to assault and she fall down on the ground. That accused Kushum Devi snatched the golden mangalsutra from the neck of informant. That due to interference of neighbors, the life of informant was saved, but the accused persons also intimidated to kill her.

On the basis of written petition of informant **Anita Devi**, Sursand P.S. Case No. 598/2022, dated 16.11.2022 registered against four accused persons including this accused person for offence u/s 341, 447, 323, 324, 354(B), 379, 504, 506/34 of the IPC.

The learned counsel on the behalf of accused person has submitted that the accused petitioner is innocent and has been falsely been implicated in this case, because there is a counter case registered against the informant by the wife of this accused petitioner. That the occurrence took place due to movement of smock of kitchen fire. That the accused petitioner is respectable person and have no any criminal antecedent. All the injuries are simple in nature. The accused petitioner is in judicial custody since, 04.12.2022. So, accused petitioner may be granted bail.

The learned APP has opposed the prayer of bail and has submitted that the allegation against this accused petitioner is serious in nature. So, he does no deserve bail.

Form, perusal of the record and case diary, it is obvious that the witnesses have supported the prosecution case in para 3, 4

and 5 of the case diary, from perusal of injury report which is mentioned para 19 of the case diary, it is obvious that the injuries are simple in nature. The I.O. has submitted charge sheet and found the case true for offences u/s 341, 323, 504, 506, 509/34 of I.P.C.. The charge sheet has been submitted in bailable section. There is no any criminal antecedent of this accused petitioner, which is mentioned in para 35 of the case diary. The accused petitioner is in judicial custody since, 04.12.2022.

Considering the whole facts and circumstances of the case holistically specially the nature of allegation against this accused petitioner, the charge sheet has been submitted in bailable offence and there is case and counter case and the period of judicial custody. Let the accused petitioner named as **Fekhan Thakur** be enlarged on bail on furnishing a bail bond of Rupees 20,000/- with two sureties of like amount each to the satisfaction of learned court of Sri Kishor Gaurav, J.M. 1st class, Pupri, Sitamarhi.

(Dictated)

Sd/-

**Addl. Sessions Judge IX,
Sitamarhi.**

Dated:- 13.01.2023