

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38384 of 2015

Arising Out of PS.Case No. -162 Year- 2015 Thana -SUPAUL District- SUPAUL

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1. Sanjay Thakur @ Sanjay Kr. Thakur
 2. Ajay Thakur
both sons of late Laleshwer Thakur
 3. Nikhil Thakur @ Nikhil Kumar, son of Ajay Thakur
 4. Golu Thakur @ Sourabah Thakur, Ajay Thakur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Md . Ansural Haque (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 28-09-2015 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 323, 325, 379, 427, 504 and 506 of the Indian Penal Code and section 27 of the Arms Act.

The prosecution case is that a feast was going on at a place near the house of the informant then the accused persons came, assaulted the guests and also assaulted the son of the informant with the butt of pistol. The accused persons snatched gtold chain from the neck of the informant and took away cash box containing rupees twenty seven thousand five hundred. The accused persons also damaged some of the vehicles of the guests.



It is submitted by learned counsel for the petitioners that the accusation is omnibus and general. There is land dispute between the informant and his agnates. The petitioners have been roped in the present case since the agnate of the informant is Manager of one of the co-accused namely munna Kumar @ Munna Kumar Singh. The injury of the informant's son and other injured were found superficial in nature. It is further submitted that there is counter version of the occurrence also.

It is submitted by learned counsel for the informant that petitioner no.3 Nikhil Thakur @ Nikhil Kumar's alias name is Aasish Kumar, son of Ajay Thakur, who is named accused in Kishanpur P.S. Case No.176 of 2014, though statement has been made in paragraph 3 of the petition that all the petitioners carry no criminal antecedent.

Considering the accusation being omnibus and general, injury of the injured has been found superficial in nature and there is counter version of the occurrence, let the above named petitioners (except petitioner no.3 namely Nikhil Thakur @ Nikhil Kumar's) be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Supaul in connection with

Supaul P.S. Case No.162 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

So far as petitioner no.3 namely Nikhil Thakur @ Nikhil Kumar's is concerned, let him be released on provisional anticipatory bail for three months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Supaul in connection with Supaul P.S. Case No.162 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of petitioner no.3 will be confirmed by the learned court below on verification of the fact whether petitioner no.3 is accused in Kishanpur P.S. Case No.176 of 2014 or not ? If it is found that petitioner no.3 is accused in the aforementioned case then he will surrender and pray for regular bail and, if it is found that he is not accused in the aforementioned case then his provisional bail will be confirmed by the learned court below.

Ashwini/-

(Dinesh Kumar Singh, J)

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