

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17770 of 2016

Arising Out of PS.Case No. -27 Year- 2016 Thana -PHULWARIA District- BEGUSARAI

1. Kanhaiya Thakur S/o Late Baldeo Thakur Resident of Village- Bhitha,
P.S.- Phulwaria, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K.Agrawal
Mr. D.N.Tiwari

For the Opposite Party/s : Mr. Yogendra Kumar (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-05-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Phulwaria P.S. Case No. 27 of 2016 registered for offences
punishable under Sections 147, 148, 149, 323, 324, 307, 379, 504
and 506 of the Indian Penal Code.

The prosecution case is that on 03.02.2016 at 10.00
o'clock the informant Mukesh Kumar was fixing gate in his
boundary wall, in the meantime the petitioner Kanhaiya Thakur
along with co-accused persons namely Radhey Thakur, Bittu
Kumar, Amit Kumar, Amresh Kumar, Munna Kumar @ Sujit
Kumar and Sumit Kumar armed with lathi and rod came there and
abused the informant saying why you are fixing the gate after



leaving four feet away. Upon which all the accused persons brutally assaulted him with fist, slaps and rod. It is alleged that the petitioner assaulted with lathi on the head of the informant, causing bleeding injury on his head. On hulla, family members and neighbours came there. In between accused Radhe Thakur took out Rs. 900/- from his pocket and fled away. Thereafter the informant was brought to Teghra P.H.C. for treatment and from where, he was referred to Begusarai.

It has been submitted on behalf of the petitioner that the petitioner being co-villager, an altercation between them took place in which the petitioner has also lodged Phulwaria P.S. Case No. 26 of 2016 on the same day for the same occurrence, prior to the institution of the case by the informant and the injury report of the injury caused on informant Mukesh Kumar has been found to be simple in nature. He further submits that there is land dispute between the parties and no case under Section 307 of the Indian Penal Code is made out against him. He submits that due to inimical terms and local village politics the petitioner has falsely been implicated.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R. hence opposes the prayer for bail.

Be that as it may, let the petitioner above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of Sri Rahul Kishore, learned Judicial Magistrate 1st Class, Begusarai in connection with Phulwaria P.S. Case No. 27 of 2016 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Nilu Agrawal, J)

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