

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17150 of 2016

Arising Out of PS.Case No. -88 Year- 2015 Thana -JHANJHARPUR District- MADHUBANI

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1. Sitaram Thakur Son of Yugeshwar Thakur
2. Suresh Thakur @ Suresh Kumar Thakur Son of Sitaram Thakur
3. Mahesh Thakur @ Mahesh Kumar Thakur Son of Sitaram Thakur
4. Jibachhi Devi Wife of Sitaram Thakur
All Residents of Village - Sukhait, Police Station- Jhanjharpur, District
Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Kr. Ranjit Ranjan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 13-05-2016

Heard both sides.

The petitioners no. 1, 2, 3 & 4, namely, Sitaram Thakur, Suresh Thakur @ Suresh Kumar Thakur, Mahesh Thakur @ Mahesh Kumar Thakur and Jibachhi Devi, apprehend their arrest in a case under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504, 506 of the Indian Penal Code.

The informant Satya Narayan Mandal alleged that while he was sleeping in his mango orchard, all the petitioners came in the mango orchard at night and picked up quarrel with the informant and also abused him. On the order of Sita Ram Thakur (petitioner no. 1), Suresh Thakur (petitioner no. 2) is said to have assaulted the informant with an axe on his head. Mahesh Thakur

(petitioner no. 3) is alleged to have assaulted the wife and the brother of the informant. It is submitted that the occurrence took place on 26.05.2015 but the present F.I.R. was lodged on 29.05.2015 and, on the same day, Sita Ram Thakur lodged Jhanjharpur P.S. Case No. 80/15 against the informant and his brothers.

It appears that Sita Ram Thakur is the order-giver but no allegation is made against Sita Ram Thakur and Jibachhi Devi.

Considering the facts that there is a counter-version and no specific allegation of assault is made against Sita Ram Thakur (petitioner no. 1) and Jibachhi Devi (petitioner no. 4), the above named petitioners no. 1 and 4, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Jhanjharpur, District – Madhubani in Jhanjharpur P.S. Case No. 88/2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as the case of petitioners no. 2 and 3, namely, Suresh Thakur @ Suresh Kumar Thakur and Mahesh Thakur @

Maresh Kumar Thakur is concerned, there is a very specific allegation that Suresh Thakur assaulted the informant with an axe and Maresh Thakur assaulted the wife and the brother of the informant with Khanti and corresponding injuries were found on their persons, I am not inclined to enlarge the above named petitioners no. 2 and 3 on anticipatory bail in Jhanjharpur P.S. Case No. 88/2015. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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