

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51070 of 2017

Arising Out of PS.Case No. -63 Year- 2017 Thana -BAUNSI District- ARRARIA

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1. Upendra Dharkar Son of Tilay Dharkar
 2. Ajay Dharkar son of Kaldhar Dharkar
 3. Sunil Dharkar Son of Kaldhar Dharkar
 4. Kaldhar Dharkar Son of Late Mahavir Dharkar
 5. Bhola Dharkar Son of Late Suryanand Dharkar
 6. Tilay Dharkar Son of Late Gulad Dharka All Resident of village-
Basaiti, Police Station- Bounsi, District- Araria

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhu Prasun

For the Opposite Party/s : Mr. Ram Bachan Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 14-12-2017 Heard the learned counsel for the petitioners as well as
the learned A.P.P. for the state.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Bousi P.S. Case No. 63 of 2017/ G.R. No. 1737 of 2017 for the offences punishable under sections 341, 323, 324, 326, 504 and 506/34 of the I.P.C.

Allegedly, scuffle took place between the informant and petitioner no.1 on the point of damages caused by pigs and then all the petitioners started assaulting the informant with lathi, danda and when he fell down the petitioner no.1 amputated his right ear with Dabia and when the wife of the informant came



there all the accused persons brutally assaulted her. The accused persons threats that if case will be lodged then the head of the informant will be cut.

Submission is of false implication and that except petitioner no.1 there is no specific allegation against rest of the petitioners, the injury found on the person of the informant, i.e. injury no.2 is simple in nature and the opinion has been kept reserved for injury no.1, no injury has been caused to the wife of the informant and as such the petitioners deserve sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioners.

In the facts and circumstances stated above, considering the specific allegation against petitioner no.1, namely, Upendra Dharkar, I am not inclined to grant privilege of pre-arrest to petitioner no.1 and accordingly his such prayer stands rejected.

So far, petitioner nos. 2 to 6 are concerned, against them there is no specific allegation and as such they, in case of their arrest or surrender within a period of four weeks from the date of receipt/production of a copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the



satisfaction of A.C.J.M-VI, Araria in connection with the
aforementioned case, subject to the condition as laid down under
section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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