

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.65063 of 2018

Arising Out of PS. Case No.-165 Year-2018 Thana- MINAPUR District- Muzaffarpur

1. Reshmi Devi, W/o Vinod Thakur,
2. Vikki Kumar, S/o Vinod Thakur,
3. Ramnaresh Thakur @ Naresh Thakur, S/o Late Ramjivan Thakur,
4. Vinod Thakur, S/o Late Ramjivan Thakur, All R/o Village-Noor Chapra, P.S.- Meenapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Malay Kumar Choudhary, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 13-12-2018 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 307/323/324/341/379/504/34 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of Saturdhan Thakur, recorded by A.S.I., D. Upadhyay, Ahiapur P.S., on 13.04.2018 at 17.00 P.M. at Police Camp, Bed No.10, Ward No.5, S.K.M.C.H. to the effect that 15 agnates of the informant, including the petitioners, surrounded the house of the informant and on the order of petitioner no.3, Ramnaresh Thakur @ Naresh Thakur, co-accused, Madan Thakur assaulted on the head of the informant with iron rod, causing injury on his right hand. It is further alleged that he repeated the blow,



causing injury on the head of the informant. Thereafter, petitioner no.3, assaulted Anand Kumar with 'farsa', causing injury on his forehead and head. When informant's wife, Budhni Devi came to rescue him, then she was also assaulted by co-accused, Manoj Thakur with lathi, causing injury on her head and hand. When daughter-in-law of the informant came to rescue Budhni Devi, then, co-accused, Dharmendra Thakur assaulted with sword, causing bleeding injury on her head. Thereafter, the accused persons assaulted other family members of the informant brutally. It is also alleged that the accused persons also took away jewellery and cash of Rs.30,000/- kept in a room of the informant.

It is submitted by learned counsel for the petitioners that in the background of land dispute, the accusation has been levelled against the petitioners and it is further submitted that for the occurrence of 09.04.2018, the Fardbeyan was recorded on 13.04.2018 and it was registered as police case on 21.04.2018 which came to the Court of learned CJM on 23.04.2018. There is a counter version of the occurrence, being, Meenapur P.S. Case No.166 of 2018, lodged by the petitioners' side against the informant with accusation under Sections 307, 323, 324, 341, 379, 504/34 of the I.P.C. Statement has been made in paragraph



no.15 of the petition to the effect that as per the medical report of S.K.M.C.H., no grievous injury has been caused to anyone, however, the doctor has opined that actual report may be obtained from the doctor of the Primary Health Centre, Meenapur, where the injured were initially treated. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State there is specific accusation against the petitioners in the FIR.

Considering that out of four petitioners, specific accusation of assault is against only petitioner no.3, Ramnaresh Thakur, the delayed lodging of the case, there is a counter version of occurrence, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners 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 Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Muzaffarpur, in connection with Meenapur P.S. Case No.165 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



The bail bond of petitioner no.3, Ramnaresh Thakur will be accepted by the learned Court below on verification of the fact that none has received any grievous injury, otherwise the petitioner no.3 will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Ashwini/-

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