

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31603 of 2018

Arising Out of PS. Case No.-209 Year-2017 Thana- BISFI District- Madhubani

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1. Vijay Kumar @ Vijay Thakur, Son of Sri Rajeshwar Thakur.
 2. Kavindra Prasad Thakur @ Kavindra Thakur, Son of Late Bindeshwar Thakur.
 3. Jitendra Thakur, Son of Late Bindeshwar Thakur
- All are resident of Raghauli, P.S.- Bisfi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sri Vinay Ranjan
For the Opposite Party/s : Sri Madhuranand Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 12-06-2018 Heard Sri Vinay Ranjan, learned counsel for the

petitioners and Sri Madhuranand Jha, learned Additional

Public Prosecutor.

Three petitioners, apprehending their arrest in connection with Bisfi P.S. Case No. 209 of 2017, registered for the offence under Sections 147, 148, 149, 341, 323, 324, 307, 379, 427, 354, 504 of the Indian Penal Code, 1860 (hereinafter referred to as the “I.P.C.”), have prayed for grant of bail in the event of their arrest or surrender.

Learned counsel for the petitioners at the very outset submits that present F.I.R. was lodged only with a view to save their own skin by the informant’s side since on the date of



alleged occurrence, which is date in the present F.I.R., from petitioners' side an F.I.R. vide Bisfi P.S. Case No. 200 of 2017 was registered against the informant's side of the present case for offences under Sections 341, 323, 324, 354, 379, 504 and 34 of the I.P.C. and belatedly after more than five days the present F.I.R. was lodged i.e. on 28.08.2017 alleging therein as if the occurrence had taken place on 17.08.2017. Learned counsel for the petitioners has also drawn my attention to other Annexures to show that litigation in between petitioners' side and informant's side was going since long. He further submits that injuries only suggest caused by weapon like *lathi* i.e. hard and blunt substance, whereas in the F.I.R. it was incorrectly alleged as if petitioner no. 2 had given *barchi* blow on the informant.

Considering the fact that F.I.R. was lodged belatedly as well as the fact that there was case and counter case in between the parties and the nature of accusation, in the event of their arrest or surrender within a period of six weeks from today, let aforesaid three petitioners: Vijay Kumar @ Vijay Thakur, Kavindra Prasad Thakur @ Kavindra Thakur and Jitendra Thakur be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of



the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Benipatti / concerned court in connection with Bisfi P.S. Case No. 209 of 2017 subject to the conditions as contemplated under Section 438 (2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J)

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