

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61735 of 2017

Arising Out of PS.Case No. -149 Year- 2017 Thana -PIPRA District-
EASTCHAMPARAN(MOTIHARI)

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1. Anil Thakur,
2. Ramakant Thakur
Both Sons of Punyadev Thakur,
3. Pushkar Thakur, S/o Anil Thakur,
All R/o village- Sariyatpur, P.S.- Pipra, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Neeraj Kumar Gupta, Advocate.
For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 23-02-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Pipra P.S.**

Case No. 149 of 2017 instituted for the offence under Sections 147, 148, 149, 341, 323, 324, 325, 326, 307, 379, 504 and 506 of the Indian Penal Code.

In the written report there is allegation against the petitioner No. 1 of assaulting Bhagyanarayan Singh with *Gupti* thrice, causing injury near his left ear, left leg and right hand. The allegation against petitioner No. 3 is that he assaulted the father of informant namely, Ravindra Singh with *Farsa* on his forehead and also near the eye, causing bleeding injury to him. The petitioner



No. 2 is said to be the order giver.

Case diary has been received.

The injury report of both the injured is available in paragraphs 38 and 39 of the case diary.

The learned A.P.P. and learned counsel for the informant have submitted that Doctor has found grievous injury on the person of Ravindra Singh, father of the informant. In supplementary injury report available in paragraph-44 of the case diary, it has come that father of the informant suffered permanent disability of the face. Similarly, the Doctor has found total five injuries on the person of Bhagyanarayan Singh. The nature has been opined to be simple but as per injury report, injured sustained five injuries which corroborate allegation in the written report that the petitioner No. 3 assaulted several times to Bhagyanarayan Singh.

Therefore, this Court is not inclined to grant anticipatory bail to petitioner Nos. 1 and 3 namely, Anil Thakur and Pushkar Thakur.

Prayer for anticipatory bail of petitioner Nos. 1 and 3 stands rejected.

So far petitioner No. 2 is concerned, he is merely an order giver. The prayer for anticipatory bail of the petitioner No. 2



namely, Ramakant Thakur, is allowed. In the event of surrender/arrest of the petitioner No. 2, named above, within six weeks from today, in connection with **Pipra P.S. Case No. 149 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Motihari**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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