

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1919 of 2018

Arising Out of PS.Case No. -171 Year- 2017 Thana -PATORI District- SAMASTIPUR

- =====
1. Tunna Thakur @ Tunnai Thakur, Son of Late Pancham Thakur
 2. Ram Kumar Thakur, Son of Late Pancham Thakur
 3. Shyam Thakur, Son of Late Pancham Thakur
 4. Sunil Thakur, Son of Late Pancham Thakur
 5. Santosh Thakur, Son of Dhulla Thakur
 6. Pappu Thakur, Son of Dhulla Thakur
 7. Rajeev Thakur, Son of Dhulla Thakur
- All resident of village – Uttari Dumari, P.S. Patori (Mohanpur O.P.),
District – Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anita Kumari Singh

For the Opposite Party/s : Mr. Smt. Sahin Begam

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 15-01-2018

Heard learned counsel for the petitioners

and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 447, 341, 323, 324, 307, 504 and 506 of the Indian Penal Code.

The prosecution case got initiated on the written report of Amar Nath Rai dated 14.05.2017 submitted to the SHO of Mohanpur O.P., to the effect that on 10.05.2017 the quarrel ensued during the marriage ceremony of the neighbour's son with the bride side. On 13.05.2017 the family members of



newly wedded girl came to meet the bride where co-accused Dhulla Thakur and his family members started assaulting the family members of the bride, upon which they tried to flee away and came to the informant's house to take shelter but, in the meantime, Dhulla Thakur and his son came to the door of the informant and started assaulting them, but the informant somehow pacified the matter. On 14.05.2017 at 6.30 A.M. the informant was at his door when all the accused persons including the petitioners came and on the order of petitioner no. 1 Tunna Thakur, co-accused Dhulla Thakur assaulted the informant with Farsa causing injury on his head and co-accused Sachin Thakur assaulted the informant with iron rod on his head and, when the younger brother of the informant came to his rescue, he was also assaulted by the accused persons.

Learned counsel for the petitioners submits that the specific accusation of assault is against co-accused Dhulla Thakur and his son Sachin Thakur. The accusation of assault is omnibus and general against the petitioners. The only accusation against petitioner no. 1 is of having given the order for assault, though, the impugned order reflects that the younger brother of the informant has received one grievous injury but accusation of assaulting Dina Nath Rai is omnibus and



general against all the accused persons. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the accusation of assault is omnibus and general against the petitioners.

Considering the fact that the specific accusation of assault has not been levelled against the petitioners coupled with the statement made in paragraph 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Patori P.S. Case No. 171 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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