

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1975 of 2018

Arising Out of PS. Case No.-208 Year-2017 Thana- PIPRA District- East Champaran

-
1. Basudeo Thakur, Son of Late Mahavir Thakur,
 2. Shiya Devi, W/o Bashudeo Thakur,
 3. Pinki Kumari, D/o Bashudeo Thakur,
 4. Pratima Devi @ Prativa Devi, D/o Bashudeo Thakur,
 5. Seema Devi, D/o Bashudeo Thakur,
- All are resident of Village- Mathurapur, P.S.- Pipra, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-01-2018 Heard learned Counsels for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 307, 379, 354, 504 and 506/34 of the Indian Penal Code.

The prosecution case got initiated on the written report dated 20.08.2017, submitted by the informant, Rammurti Sah to the Officer In-charge of Police Camp, Sadar Hospital, Motihari, West Champaran, is to the effect that on 20.08.2017, the informant was getting the toilet constructed when the accused persons including the petitioner on a pre-planned conspiracy



came and on the order of Basdeo Thakur assaulted the informant with iron rod on his head, when Dilip Sah and Kajal Kumari came to his rescue, then they were also assaulted by co-accused Gyanchand, Basudeo Thakur, Rajan Thakur with farsa, spear and Garasa, due to which they received head injury. It is further alleged that when Sumitra Devi, Lalita Devi and Sonu Sah came to rescue, then they were assaulted by co-accused Prahalad Thakur, Kamleshwar Thakur, Rajeshwar Thakur and Ekbal Thakur with Lathi and iron rod. When Jadolal Sah and Arun Sah came to rescue then co-accused Bhuneshwar Thakur, Rambabu Thakur, Basudeo Thakur and Sheo Thakur assaulted Jadolal Thakur with lathi, who sustained injury on his right hand. Hazari Sah was also assaulted with lathi and iron rod. It is alleged that co-accused, Pravita Devi snatched Mangalsutra from the neck of Sumitra Devi, when Awadhesh Thakur took away Rs.5000/- from the pocket of the informant. It is alleged against Prahalad Thakur that he pulled Saree of Lalita Devi, as a result, she was rendered half naked.

It is submitted by learned counsel for the petitioners that in the background of land dispute, the accusation has been levelled. There is no specific accusation against petitioners no.2 to 5. However, accusation of assaulting Jadolal Sah against four



persons including the petitioner no.1, Bashudeo Thakur, but he sustained one fracture injury which is grievous, whereas, other injury has been found simple in nature. The petitioners' side at earlier point of time lodged Pipra P.S. Case No. 203/2017 against the informant. 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 Mr. J. N. Thakur, learned APP for the State that there is specific accusation against all the petitioners, specifically against petitioner no.1.

Considering the fact that specific accusation of assault is not against petitioner nos. 2 to 5 coupled with statement made in paragraph no.3 of the petition that they are not having any criminal antecedent, let them 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, Motihari, in connection with Pipra P.S. Case No. 208 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

So far as petitioner no.1, Bashudeo Thakur, is concerned, let the learned Court below consider the prayer for regular bail



if he surrenders within a period of six weeks in connection with
Pipra P.S. Case No. 208 of 2017, pending before the learned
CJM, Motihari.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

