

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56636 of 2018

Arising Out of PS. Case No.-178 Year-2018 Thana- DARIYAPUR District- Saran

-
1. RAJESH THAKUR @ RAJESH KUMAR, son of Shivnath Thakur.
 2. Munna Kumar, son of Raj Kishore Sah.
 3. Bikash Kumar, son of Raj Kishore Sah.
 4. Shivnath Thakur, son of Kishorei Thakur.
 5. Raj Kishori Sah, son of Ramdeo Sah, All resident of Village- Tarwa Magar Pal Nooran, P.S. Dariyapur, District- Saran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Partys

Appearance :

For the Petitioners : Mr. Udai Shankar Singh, Advocate.
For the Opposite Party : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 26-11-2018 Vide order dated 10.10.2018, name of petitioner nos.

1 and 4 has already been deleted.

Heard learned counsel for the petitioner nos. 2, 3 and
5 and learned counsel for the State.

The petitioner nos. 2, 3 and 5 are apprehending their
arrest in a case for the offence registered under Sections 147,
148, 149, 188, 341, 323, 332, 333, 337, 338, 353, 307, 504 and
506 of the IPC.

The prosecution story, in brief, is that on 13.06.2018
at 5.35 P.M., the informant alongwith other police party reached
at Village- Tarwa MagarPal Luran and saw that the petitioners
were putting *Palani* and bricks on the disputed land on which



proceeding under Section 144 Cr.P.C. was going on and notices were served upon both the parties. On enquiry made by the informant, accused persons having variously armed, started abusing and pelting stones and bricks and petitioner no. 3 Vikash Kumar started dragging Home Guard Mahesh Singh, wrapping *Gamachha* in his neck and when due to strangulation he became senseless and fell down, petitioner no. 2 Munna Kumar snatched his rifle. Later on, the informant took his rifle. Other accused persons assaulted the informant and tried to tear the uniform of the informant and other 8-10 unknown persons also pelted stones and bricks when the informant taking the accused was proceeding towards vehicle then Mukhiya Musahir Mahto got the *Chairs* and *Benches* thrown in the way and misbehaved with the police. Earlier also when the police party had gone to arrest one accused, the *Mukhia* misbehaved with them.

It has been submitted by learned counsel for the petitioner nos. 2, 3 and 5 that they have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner nos. 2, 3 and 5. They have falsely been implicated in the present case. Nature of injury is said to be simple. No offence under Section 307 of the



IPC is made out.

On behalf of the State, it is submitted that the petitioner nos. 2, 3 and 5 are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner nos. 2, 3 and 5 (except petitioner nos. 1 and 4 Rajesh Thakur @ Rajesh Kumar and Shivnath Thakur) above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-4th, Saran at Chapra in connection with Dariyapur P.S. Case No. 178 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

U.K./-

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

