

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1899 of 2018

Arising Out of PS. Case No.-142 Year-2017 Thana- SAHIYARA District- Sitamarhi

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1. Tej Narayan Thakur S/o Mahendra Thakur
 2. Daroga Thakur S/o Late Mauje Thakur
 3. Nandan Thakur S/o Daroga Thakur
 4. Lalit Thakur @ Lalit Kumar Thakur
 5. Sujit Kumar Thakur Both S/o Nandan Thakur All residents of village - Matiyar, P.S. Sahiyara, Dist - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
For the Opposite Party/s : Mr. SRI SANJAY KUMAR

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-01-2018 Heard learned counsel for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 147,148,149,302,341,323,504 and 506 of the IPC.

The prosecution case as per the Fardbeyan of Sundar Devi recorded by S.I. S.C. Singh of Sahiyara Police Station on 27.8.2017 at about 3 P.M. at Matiyar village, is to the effect that the accused persons including the petitioners were constructing stairs which was on the land of the informant side, which was protested by the informant side, when all the accused persons including the petitioners assaulted with lathi, danda, rod, fists and slaps to the husband of the informant, as a result he



succumbed to the injuries.

It is submitted by learned counsel for the petitioners that the accusation has been levelled in the background of land dispute. The accusation is not being corroborated by the medical opinion as the postmortem report reflects only one injury over the occipital region which resulted into fracture of the occipital bone. In fact, the informant's husband was trying to remove the centering made by the petitioners side and bamboo fell over him due to which the informant sustained injuries. Moreover, during investigation, it has been gathered by the investigating agency that co-accused Ganesh Thakur assaulted with bamboo to the deceased. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that accusation is specific against the accused persons that they assaulted the victim indiscriminately.

Considering the accusation levelled in the background of land dispute and the accusation of indiscriminate assault not being corroborated by the medical opinion, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be released on anticipatory bail in the



event of arrest or surrender within 12 weeks 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 Sub-Judge – 5, Sitamarhi in connection with Sahiyara P.S. Case No.142 of 2017, subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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