

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71644 of 2018

Arising Out of PS. Case No.-448 Year-2017 Thana- JOGAPATTI District- West Champaran

Bharat Thakur, Son of Sadhu Thakur, resident of Village- Dhanwatia, Pipra,
P.S. Yogapatti, District- West Champaran, Bettiah.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Advocate

For the Opposite Party/s : Mr. Uma Shankar Pd. Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 447, 147, 149, 341, 323, 324, 308, 504 and 506 of the Indian Penal Code.

The prosecution case as per the fardbeyan of Shanti Devi recorded by S.I. Jitendra Prasad Singh, Bettiah Town Police Station on 18.10.2017 at 4.35 P.M. at M.J.K. Hospital, Bettiah is to the effect that on 17.10.2017 at 7.00 A.M. the informant was sitting at her Darwaja, when the co-accused Sadhu Thakur came at her door and asked the informant to compromise an earlier case. Thereafter, co-accused Sadhu Thakur, after catching hold of her hair-lock, assaulted the informant. It is further alleged that the petitioner and other



accused persons assaulted her with lathi, fists and slaps. When Rambha Devi, Jagdish Sah and Rajesh Sah came to rescue the informant, then Chhote Lal Thakur assaulted Rajesh Sah with a Farsa on his head. The son of the informant, Jagdish Sah was also assaulted by Bharat Thakur, the petitioner with Farsa causing injury on the left hand. Thereafter, the accused persons also assaulted the daughter-in-law of the informant.

It is submitted by learned counsel for the petitioner that in the background of a dispute, the accusation has been levelled. The injury of the informant side has been found to be simple. There is a counter version of the occurrence being Yogapatti P.S. Case No. 427 of 2017, registered against the informant side. It is further submitted that the co-accused Chhotelal Thakur, Chain Thakur and Dhrup Thakur have been granted anticipatory by a co-ordinate Bench of this Court vide Cr. Misc. No. 28605 of 2018, as contained in Annexure-4. Moreover, the injury of petitioner's side has been found to be grievous. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that there is specific accusation of assault being made by the petitioner to the son of the informant.



Considering the fact that there is a counter version of the occurrence and the petitioner side has grievous injury, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Yogapatti P.S. Case No. 448 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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