

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21177 of 2019

Arising Out of PS. Case No.-355 Year-2016 Thana- LAHERIMUHALLA District- Nalanda

BHUSHAN THAKUR @ BHUSAN THAKUR @ BHUSHAN SHARMA
Son of Late Parmeshwar Thakur, Resident of Village- Nai Tola, Bharaopar
(Murarpur) P.S.- Laheri, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Ajay Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report of Amardeep Kumar submitted before the Station House Officer, Laheri Police Station is to the effect that in the background of old land dispute and litigated relationship whereof a decree was passed in favour of the informant's side and the said decree is under challenge in Title Appeal No. 8 of 2013, all the accused persons on 16.11.2016, assaulted the informant and his mother. The mother of the informant ultimately died on 04.12.2016.



It is submitted by learned counsel for the petitioner that for the alleged occurrence of 16.11.2016, the written report was submitted on 09.12.2016 and the mother of the informant died on 04.12.2016. In fact, the mother of the informant was an old lady and since she fell down, she received injury and died in course of treatment. It is further submitted that the investigating agency has only found the case under Section 304 of the I.P.C and similarly situated co-accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court vide orders dated 16.01.2018 and 13.12.2018 passed in Criminal Miscellaneous No. 991 of 2018 and Criminal Miscellaneous No. 64793 of 2018 respectively. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioner is named in the FIR.

Considering the delayed lodging of the First Information Report without any explanation thereof and the victim died after several weeks of the alleged occurrence and similarly situated co-accused have been granted anticipatory bail by a Co-ordinate Bench of this Court coupled with statement made in paragraph no.3 of the petition that the petitioner is 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 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Nalanda at Biharsharif in connection with Laheri P.S. Case No.355 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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