

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23719 of 2019

Arising Out of PS. Case No.-364 Year-2018 Thana- RIGA District- Sitamarhi

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1. Awanish Thakur @ Awanish Kumar @ Anish Thakur, Aged about 25 Years, Gender Male.
 2. Ashotosh Thakur @ Ashutosh Kumar, aged about 20 years, Gender-Male Both Sons of Late Navin Kumar @ Navin Thakur
Both Resident of Ward No.4, Village-Panchhor, P.S.-Riga, District Sitamarhi

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Vijay Kumar Mishra, Advocate
For the State	:	APP
For the Informant	:	Mrs. Madhubala Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 16-04-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 447, 341, 323, 324, 307, 354, 379, 504 and 506/34 of the Indian Penal Code registered in connection with Riga P.S. Case No. 364 of 2018.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of petty dispute between the parties. The petitioner no. 1 is alleged to have assaulted the informant and her daughter-in-law with Dabiya but there is no injury resulted from the assault by petitioner no. 1 and the injury sustained by the daughter-in-law of the informant is simple in nature. The petitioner no. 2 is said to have assaulted the informant with iron rod.

4. Learned APP assisted by learned counsel for the informant appearing suo motu submits that the injury caused to the informant by reason of assault with iron rod by the petitioner no. 2 is grievous in nature as she has suffered fracture injury attributed to the assault by the petitioner no. 2

5. Having regard to the nature of accusations, gravity of



offence alleged as well as considering the injury sustained by the informant by reason of assault attributed to petitioner no. 2, this Court is not inclined to grant anticipatory bail to him. The anticipatory bail petition as against petitioner no. 2, namely, Ashotosh Thakur @ Ashutosh Kumar stands dismissed.

6. As regards petitioner no. 1, namely, Awanish Thakur @ Awanish Kumar @ Anish Thakur, in the event of his arrest or surrender before the court below within six weeks from the date of communication of this order, let him be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Riga P.S. Case No. 364 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner no. 1.

(ii) That petitioner no. 1 shall not indulge in any similar offence till conclusion of the trial.

(iii) That petitioner no.1 shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That petitioner no. 1 shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

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(Vikash Jain, J)

