

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29667 of 2019

Arising Out of PS. Case No.-215 Year-2018 Thana- PHULPARAS District- Madhubani

1. VIKASH KUMAR THAKUR@ VIKASH KUMAR @VIKASH KUMAR SHARMA Son of Lal Dutt Thakur Resident of Village- Bairiya, P.S.- Phulparas, District- Madhubani.
2. Ramesh Kumar Thakur @ Ramesh Kumar Sharma @ Ramesh Kumar Son of Ram Dutt Thakur Resident of Village- Bairiya, P.S.- Phulparas, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav

For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 01-08-2019 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, 325,307, 379, 504, 34 of the Indian Penal Code registered in connection with Phulparas P.S. Case No. 215 of 2018.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute and there is case and counter case between the parties. There is delay in institution of the FIR on 15.10.2018 for the alleged occurrence of 04.10.2018. The petitioners claim clean antecedents.

4. Learned APP assisted by learned counsel for the



informant appear and has been heard.

5. Learned counsel for the informant submits that the petitioner nos. 1 and 2 assaulted the informant on the head causing three injuries and opinion in respect of one injury has been kept reserved. The petitioner no. 2 assaulted the informant's son causing grievous injuries.

6. Considering the nature of accusations, gravity of offence alleged and the grievous injury sustained by informant's son at the hands of petitioner no. 2, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner no. 2. The anticipatory bail petition as against him stands dismissed.

7. As regards petitioner no. 1, in the event of arrest or surrender by the petitioner no.1 before the court below within six weeks from the date of communication of this order, let the above named petitioner no.1 be released on provisional bail on furnishing bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM I, Jhanjharpur, Madhubani, in connection with Phulparas P.S. Case No. 215 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

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

ii. That the petitioner no. 1 shall not indulge in any similar



offence till conclusion of the trial.

iii. That the petitioner no.1 shall co-operate 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.

iv. The 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.

8. The provisional bail granted to the petitioner no.1 shall be confirmed by the learned Court below upon verification within a further period of four weeks after furnishing bail bond, that no grievous injury has been caused to the informant. In case any grievous injury is found, his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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