

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33078 of 2019

Arising Out of PS. Case No.-10 Year-2019 Thana- BAJPATTI District- Sitamarhi

1. Nagendra Thakur, Son of Ramnandan Thakur, Resident of Village - Bisanpur, P.S.- Bajpatti, Distt - Sitamarhi.
2. Indu Devi, Wife of Nagendra Thakur, Resident of Village - Bisanpur, P.S.- Bajpatti, Distt - Sitamarhi.
3. Seema Kumari @ Sima Devi, D/o Nagendra Thakur, Resident of Village - Bisanpur, P.S.- Bajpatti, Distt - Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Alok Kumar Jha, Advocate

For the Opposite Party/s : Mr.Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 27-09-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners in the present case are seeking anticipatory bail in connection with Bajpatti P.S. Case No. 10 of 2019 registered for the offences punishable under Sections 341, 323, 324, 307, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that it is a case of false implication because of prior enmity between the parties. From Annexure '2' to the present application it is pointed out that on 05.01.2019 the petitioners side had lodged an F.I.R. against deceased Dinesh Rai and others. Learned counsel submits that now because of the said enmity all the family members including the female members of the family have been implicated



in the present case.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail as according to him there are allegations that all the accused persons had repeatedly given *lathi* blow upon the deceased which ultimately proved fatal. In course of postmortem the Doctor found that there were haemorrhage on bilateral side frontal as well as the right side of the brain and opined that the death was caused due to haemorrhage and shock as a result of head injury caused by hard blunt substance.

Considering the facts and circumstances of this case, wherein it appears that on 07.01.2019 itself petitioners side has lodged an F.I.R. alleging that deceased Dinesh Rai had given him a farsa blow on his head and again repeated the blow, thereafter the co-accused Mahesh Rai had assaulted the other family members, however, there is no allegation against the female members of the family, let in the event of their arrest or surrender within a period of four weeks from today, the petitioner nos. 2 and 3 abovenamed be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Bajpatti P.S. Case No. 10 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself



available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

So far as the prayer for anticipatory bail of petitioner no. 1 is concerned, considering the fact that there are allegations of causing assault on the deceased along with one Mintu Kumar, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner no. 1.

In case he surrenders and prays for regular bail in the court below, his prayer for regular bail shall be considered on its own merit.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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