

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41362 of 2019

Arising Out of PS. Case No.-61 Year-2019 Thana- BARHARA KOTHI District- Purnia

1. SULEN THAKUR
2. Pulen Thakur @ Fulen Kumar Thakur
both sons of Shrawan Thakur Resident of Village - Kataiya, P.S.- Barhara,
Distt - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 20-09-2019 Learned counsel for the petitioners seeks permission
to withdraw this application against petitioner no. 2.

Permission is granted. This application against
petitioner no. 2 is dismissed as withdrawn.

So far as petitioner no. 1 is concerned, he
apprehends his arrest in connection with Barhara P. S. Case No.
61 of 2019 registered under Sections 307,323,324,341,354(b),
379, 504 and 506/34 of the Indian Penal Code.

Allegation against the petitioner no. 1 is that he along
with co-accused had arrived at the house of the informant for
playing colour on the eve of Holi festival and started putting
colour to the wife of the informant. There was some scuffle



between the informant's wife and Pulen Thakur, who tried to outrage the modesty of the wife of the informant. It has further been alleged that after some time, petitioner along with other accused persons arrived at the house of the informant and assaulted the father of the informant by means of *danda*, *lathi*, knife etc.

Learned counsel appearing on behalf of the petitioner no. 1 submits that from perusal of the FIR, it would be evident that there is no specific allegation of assault against the petitioner no. 1 rather specific allegation of assault is against co-accused and injury caused to the father of the informant has been found to be simple in nature.

Mr. Bhairwa Nand Sharma, learned counsel for the informant, on the other hand, opposes the prayer for anticipatory bail.

Having regard to the submissions made by the parties and taking into consideration the fact that no overt act has been alleged against the petitioner no. 1, as such I am inclined to grant anticipatory bail to the petitioner no.1.

Let the petitioner no. 1, above-named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be



released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned ACJM-II, Purnea in connection with Barhara P.S.Case No. 61 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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