

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47930 of 2019

Arising Out of PS. Case No.-580 Year-2018 Thana- BIDUPUR District- Vaishali

SURENDRA THAKUR, Son of Ganesh Thakur, Resident of Mayil, P.S.-
Bidupur, Dist.- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tilak Sao

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-08-2019 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 341, 323, 324, 307, 354, 379, 504 and 506/34 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of Amod Kumar Thakur, recorded by Ashok Trivedi, A.S.I. Hazipur Town Police Station on 17.12.2018 at 6.20 P.M. at emergency ward of Sadar Hospital, Hajipur, to the effect that on the same day at 12.30 P.M., the informant and his mother Chandrawati Devi were watering their banana orchard, in the meantime, the petitioner came and abused her. Thereafter, other accused persons came variously armed and co-accused Sanjay Thakur assaulted on the head of the informant with a sword, as a



result the informant fell down whereas the petitioner assaulted on the back of the neck of the informant with butt of pistol. It is further alleged that when mother of the informant came to rescue, then co-accused Chhotu Kumar and Pawan Thakur pushed her on the ground and dragged by catching hold of her hair. Ultimately, co-accused, Sanjay Thakur and the petitioner snatched jewellery of the mother of the informant.

It is submitted by learned counsel for the petitioner that the impugned order does not suggest any grievous injury being caused due to assault of the petitioner and there is a counter version of the occurrence being Bidupur P.S. Case No. 579 of 2018 instituted with accusation under Sections 341, 447, 323, 324, 337, 338, 307, 379, 504 and 506/34 of the I.P.C. 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 accusation is specific against the petitioner in the FIR.

Considering the fact that the impugned order does not suggest any grievous injury being caused due to the assault made by the petitioner, there being a counter version of the occurrence 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, Vaishali at Hajipur in connection with Bidupur P.S. Case No.580 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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