

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53939 of 2019

Arising Out of PS. Case No.-174 Year-2019 Thana- BARAULI District- Gopalganj

1. LALU THAKUR @ LALLU THAKUR Son of Late Prabhu Thakur Resident of Village- Devapur, P.S.- Barauli, District- Gopalganj.
2. Raj Kapoor Thakur Son of late Prabhu Thakur Resident of Village- Devapur, P.S.- Barauli, District- Gopalganj.
3. Sipahi Thakur Son of Thedi Thakur Resident of Village- Devapur, P.S.- Barauli, District- Gopalganj.
4. Jagjitan Sharma @ Jagjitan Thakur @ Jagjitan Kumar Sharma Son of Ashok Sharma Resident of Village- Devapur, P.S.- Barauli, District- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey No.5

For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-08-2019 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Barauli Police Station Case No. 174 of 2019, disclosing offences under Sections 341/323/447/307/379/504/506/34 of the Indian Penal Code.

The allegation against the petitioners is that the petitioners assaulted the informant and his son by means of dab, lathi, danda etc. It has further been alleged that the petitioner no. 1 has assaulted the son of the informant by means of dab on his



head, the petitioner no. 2 has allegedly caught hold the son of the informant and petitioner nos. 3 and 4 have assaulted by means of danda.

Learned Counsel for the petitioners submits that the allegation against the petitioners are general and omnibus in nature and relying on Annexure-2, he submits that from perusal of the injury report of the informant, it appears that injury caused to the informant is simple in nature. He further submits that from perusal of Annexure-3, which is the injury report of the son of the informant, it appears that the doctor has reserved his opinion. He submits that the allegation of assault by means of dab on the head of the son of the informant is on petitioner no. 1.

After having heard learned Counsel for the parties and taking into consideration the fact that the informant's son has received injury by sharp-cutting weapon of 3"x 1"x bone deep over his forehead, I am not inclined to grant the petitioner no. 1, Lalu Thakur @ Lallu Thakur, privilege of anticipatory bail. This application, so far as petitioner no. 1 is concerned, is dismissed.

However, there is general and omnibus allegation against petitioner nos. 2 to 4 and further the informant has received simple injury, I am inclined to grant petitioner nos. 2



to 4, named above, privilege of anticipatory bail.

Accordingly, this application, so far as petitioner nos. 2 to 4 is concerned, is allowed.

Let the petitioner nos. 2 to 4, named above, in the event of thier arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 14th Additional Chief Judicial Magistrate, Gopalganj, in connection with Barauli Police Station Case No. 174 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

U	✓	T	✓
---	---	---	---

