

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2112 of 2019

Arising Out of PS. Case No.-79 Year-2018 Thana- SIMRI District- Darbhanga

1. Ashok Thakur, Son of Mahinder Thakur, Resident of village- Jalwar, P.S.- Simri, District - Darbhanga
2. Arun Thakur @ Arun Kumar Thakur, Son of Mahinder Thakur, Resident of village- Jalwar, P.S.- Simri, District - Darbhanga
3. Birendra Thakur, Son of Punyanand Thakur, Resident of village- Jalwar, P.S.- Simri, District - Darbhanga
4. Sachchidanand Mishra, Son of Late Laxman Mishra, Resident of village- Jalwar, P.S.- Simri, District - Darbhanga
5. Pintu Thakur @ Pintu Kumar Thakur, Son of Sunil Thakur, Resident of village- Jalwar, P.S.- Simri, District - Darbhanga
6. Balmukund Thakur, Son of Prem Chandra Thakur, Resident of Village- Jalwar, P.S.- Simri, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No
For the Opposite Party/s : Mr. Bharat Lal (App 15)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-01-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 152, 341, 342, 323, 308, 427, 379 and 504/34 of the IPC.

The prosecution case, as per the written report of Sanichar Sahni, dated 06.06.2018, submitted to the Station House Officer, Simri Police Station, is to the effect that on 05.06.2018, the agnates of the informant tried to rob the fish of the informant. It



is alleged that on 06.06.2018, the informant was fishing, in the meantime, 11 accused persons, including the petitioners and 25 unknown persons came, when on the order of the co-accused, Bishambhar Thakur, co-accused Abhiram Thakur assaulted the informant with farsa on his head, whereas the co-accused Jawahar Thakur assaulted him with lathi and took away Rs. 12,000/- from his pocket. It is also alleged that all the accused persons damaged the pickup van and robbed 500 kgs of fish.

It is submitted by learned counsel for the petitioners that the specific accusation of assault and robing the fish has not been alleged against the petitioners. The accusation has been levelled in the background of dispute with regard to fishery. Moreover, the impugned order suggests that the informant has received simple injury. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR.

Considering the fact that specific accusation has not been levelled against the petitioners, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named



petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Simri P.S. Case No. 79 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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