

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66874 of 2018

Arising Out of PS. Case No.-165 Year-2018 Thana- MINAPUR District- Muzaffarpur

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1. Madan Thakur
 2. Manoj Thakur Both Sons of late Ram Jiwan Thakur
 3. Dharmendra Kumar Son of Madan Thakur
 4. Pramila Devi Wife of Madan Thakur
 5. Nitu Devi Wife of Manoj Thakur
- All Resident of Village Noorchhapra, P.S. Minapur, District Muzaffarpur.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Alok Kumar Alok, Advocate
For the Opposite Party : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 18-02-2019 At the very outset, learned counsel for the petitioners submits that the petitioner no. 1, namely, Madan Thakur, has already been arrested and as such his application has become infructuous.

2. As prayed, the anticipatory bail petition as against petitioner no.1, namely, Madan Thakur is permitted to be withdrawn and is dismissed as such.

3. Heard learned counsel for the remaining petitioners and learned APP for the State.

4. The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 324, 307, 379 and 504/34 of the Indian Penal Code registered in connection with Minapur P.S. Case No. 165 of 2018.

5. It is submitted that the petitioners have been falsely implicated and there is case and counter case between the parties and none of the injuries sustained by the informant side is grievous in nature. Similarly situated accused persons, namely, Reshmi Devi, Vikki Kumar, Ramnaresh Thakur @ Naresh Thakur and Vinod



Thakur have been granted anticipatory bail by a coordinate Bench of this Court vide order dated 13.12.2018 passed in Cr. Misc. No. 65063 of 2018. The petitioners claim clean antecedents.

6. Learned APP opposes the anticipatory bail petition.

7. Be that as it may, as regards petitioner nos. 2, 3, 4 and 5, namely, Manoj Thakur, Dharmendra Kumar, Pramila Devi and Nitu Devi, in the event of their arrest or surrender before the court below within six weeks from the date of communication of this order, let them be released on bail 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, Muzaffarpur in connection with Minapur P.S. Case No. 165 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner nos. 4 and 5 will be well represented and petitioner nos. 2 and 3 shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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