

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70802 of 2019

Arising Out of PS. Case No.-96 Year-2019 Thana- PURAINI District- Madhepura

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1. Deepak Thakur @ Deepak Kumar, aged about 22 years, sex-male, Son of Binesh Thakur @ Dinesh Thakur
 2. Ankesh Thakur @ Ankesh Kumar @ Ankesh Kr. Thakur, aged about 20 years, sex-male, Son of Binesh Thakur @ Dinesh Thakur
- Both resident of Village- Routa, P.S.- Puraini, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pawan Kumar, Adv.
For the Informant	:	Mr. Uday Chand Prasad, Adv.
For the State	:	Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 11-12-2019 Heard Mr. Pawan Kumar, learned Advocate for the petitioner, Mr. Uday Chand Prasad, learned Advocate for the informant and Mr. Ram Priya Sharan Singh, learned Addl. Public Prosecutor for the State.

The petitioners seek bail in anticipation of their arrest in connection with Puraini P.S. Case No. 96 of 2019,



dated 26.05.2019, instituted for the offences under Sections 341, 323, 325, 307, 379 and 504/34 of the Indian Penal Code.

Because of some dispute over lifting of earth from a field over which there is a rival claim between the parties, an occurrence took place in which the petitioners are said to have assaulted the informant, leading to serious injuries on his person. So far as petitioner No. 1 is concerned, he is said to have caused injuries in the mouth of the informant. There is no specific accusation against petitioner No. 2. The father of the petitioners has also been made accused in this case, who has been granted bail after remaining in jail for about four months.

Since there is specific accusation against petitioner No. 1 of having broken a tooth of the informant, I am not inclined to grant anticipatory bail to him.

The prayer for anticipatory bail of the petitioner No. 1 is, accordingly, rejected.

However, if he surrenders before the Court below within a period of four weeks and seeks bail, the Court below



shall consider the case on its own merits and shall pass orders without any delay, after taking into account the background facts, the dispute between the two families and that the entire family members have been made accused in this case, without being prejudiced by the fact that the present anticipatory bail application of petitioner No. 1 has not been entertained by this Court.

So far as petitioner No. 2 is concerned, he, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail on his furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Uda-Kishunganj, Madhepura in connection with Puraini P.S. Case No. 96 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

Praveen-II/-

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