

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 82945 of 2019

Arising Out of PS. Case No.-324 Year-2019 Thana- SHEKHPURA District- Sheikhpura

1. NANDEY THAKUR Son of Late Jaturua Thakur Resident of Village- Ekasari P.S. and District- Sheikhpura.
2. Banti Thakur Son of Nandey Thakur Resident of Village- Ekasari, P.S. and District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr Anjani Pd Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 13-12-2019 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners apprehend their arrest in connection with Sheikhpura Police Station (for brevity, *PS*) Case No 324 of 2019 dated 17.07.2019 instituted for the offence under Section (s) 341, 323, 448, 307, 380, 427, 504/34 of the Indian Penal Code (for brevity, *IPC*) and Section 27 of Arms Act.

It is submitted by petitioners' counsel that over a trivial issue, there appears to have been a scuffle. The injury report does not sustain the offence under Section 307 of IPC. The first information report also does not disclose any assault upon petitioner No 1. Petitioners have no criminal antecedent and



petitioner No 1 is aged about 61 years.

Learned APP has opposed the prayer for bail. It is submitted that against petitioner No 2 Banti Thakur, there is specific allegation of assault by iron rod.

In the facts and circumstances of the case, prayer of petitioner No 1 for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner No 1, named above, before the court below, within four (04) weeks from today, he shall be released on anticipatory bail on furnishing bail bond of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sheikhpura in connection with Sheikhpura PS Case No 324 of 2019, GR No 822 of 2019 subject to the conditions as laid down under Section 438 (2) Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of petitioner No 1 who will give an affidavit giving genealogy as to how he is related with petitioner No 1. The bailor will also undertake to inform the Court if there is any change in the address of petitioner No 1.

(ii) That petitioner No 1 will be well represented on each date and if he fails to do so on two consecutive dates, his



bail bond will be liable to be cancelled.

Prayer for bail made on behalf of petitioner No 2

Banti Thakur is rejected.

(Madhuresh Prasad, J)

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