

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5870 of 2020**

Arising Out of PS. Case No.-253 Year-2019 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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1. RAKESH KUMAR Son of Ramdayal Thakur Resident of Village - Bishundatpur, P.S.- Kanti, District- Muzaffarpur
 2. Dharmendra Kumar @ Dharmendra Thakur Son of Jaynarayan Thakur Resident of Village - Bishundatpur, P.S.- Kanti, District- Muzaffarpur
 3. Bablu Kumar @ Bablu Thakur S/o Chulhai Thakur @ Nand Kishore Thakur Resident of Village - Bishundatpur, P.S.- Kanti, District- Muzaffarpur
 4. Pramod Kumar S/o Chulhai Thakur Resident of Village - Bishundatpur, P.S.- Kanti, District- Muzaffarpur
 5. Nandkishore Thakur @ Chulhai Thakur S/o Satyanarayan Thakur Resident of Village - Bishundatpur, P.S.- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar

For the Opposite Party/s : Mr.Amitesh Kumar

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 27-08-2020 Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned APP-in-Charge who has appeared in absence of Mr. Amitesh Kumar, learned APP for the State.

Petitioners in the present case are seeking pre-arrest bail in connection Kanti P.S. Case No. 253 of 2019 registered for the offences punishable under Sections 147, 149, 341, 323, 325, 354, 308, 504 of the Indian Penal Code.

Learned counsel for the petitioners submits that this is a case of false and over-implication of the petitioners. It is submitted



that in the first part of the allegations the informant has alleged that while her daughter-in-law had gone to her neighbour to visit the neighbour, the three accused namely Rakesh Kumar (petitioner no. 1), Dharmendra Kumar (petitioner no. 2) and Bablu Kumar (petitioner no. 3) tried to take her forcibly to nearby bush with wrong intention but when she shouted, the informant went there whereupon those accused persons fled away.

In the second part of the allegation it is stated that half an hour after the alleged occurrence Bablu Thakur (petitioner no. 3), Pramod Kumar (petitioner no. 4), Ajit Kumar (not petitioner before this Court), Rakesh Kumar (petitioner no. 1), Dharmendra Thakur (petitioner no. 2) and Suman Thakur (not petitioner before this Court) came to the house of the informant, abused him and at this stage Ajit Kumar (not before this Court) assaulted the informant by an iron rod which hit the face of the informant and thereafter all the accused persons assaulted him by lathi-danda which caused injury to the informant on his leg. When his son, daughter-in-law and grandchildren came to save him, they were also assaulted.

Learned counsel submits that the thrust of the second part of the allegations are against co-accused Ajit Kumar, however these petitioners have also been named with sole intention to implicate them in the present case.

It is further submitted that in course of investigation no independent witness has come forward to support the allegations. In



this regard the learned Sessions Judge has though recorded that the witnesses in paragraph '6', '7' and '8' have supported the allegations but they are not eye-witness to the alleged occurrence. The injury report of the informant suggests one lacerated wound on his left leg and abrasion which do not suggest assault by all the accused persons.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners, however, considering the facts and circumstances of the case wherein there are general and omnibus allegations against these petitioners and the thrust of allegations are against co-accused Ajit Kumar who is not before this Court and the injury report suggests only injury to the informant causing fracture of his leg caused by hard and blunt object and there is no injury report of any other family members of the informant though he has alleged that others were also assaulted, the petitioners have otherwise no criminal antecedent, let the petitioners above named in the event of their arrest or surrender within a period of four weeks from today in connection with Kanti P.S. Case No. 253 of 2019 corresponding to G.R. No.1030 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M. (West), Muzaffarpur, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself



available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

