

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 16958 of 2020

Arising Out of PS. Case No.-1307 Year-2019 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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1. RAGHAV THAKUR @ RAGHO THAKUR Son of Late Babulal Thakur Resident of Village - Bhusanw, P.S.- Thawe, Dist.- Gopalganj.
 2. Shiv Shankar Thakur Son of Late Babulal Thakur Resident of Village - Bhusanw, P.S.- Thawe, Dist.- Gopalganj.
 3. Gauri Shankar Thakur Son of Late Babulal Thakur Resident of Village - Bhusanw, P.S.- Thawe, Dist.- Gopalganj.
 4. Rajan Thakur Son of Shiv Shankar Thakur Resident of Village - Bhusanw, P.S.- Thawe, Dist.- Gopalganj.
 5. Ratikant Thakur Son of Raghav Thakur Resident of Village - Bhusanw, P.S.- Thawe, Dist.- Gopalganj.
 6. Dhrup Sah Son of Late Shankar Sah Resident of Village - Bhusanw, P.S.- Thawe, Dist.- Gopalganj.
 7. Shiv Kumar @ Kariman @ Shiv Kumar Thakur Son of Satyadeo Thakur Resident of Village - Ahirwaliya, P.S.- Manjhagarh, Dist.- Gopalganj.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. KUNTI DEVI RAJENDRA SINGH VILL-BHUSAW,P.S. THAWE DISTRICT-GOPALGANJ

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Rai
For the Opposite Party/s : Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-07-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and
Mrs. Anita Kumari Singh, the learned A.P.P. appearing for the



State.

The petitioners apprehend their arrest in connection with C. Case No. 1307 of 2019, Trial No. 2275 of 2019 for the offence punishable under Sections 147/ 379/ 354/ 323/ 504/ 427 of the Indian Penal Code.

The case of the prosecution in brief is that on the alleged date and time of occurrence, while the complainant was sitting at the Veranda of her house, she heard some articles falling inside the room of the house, whereupon she found that the accused persons, including the petitioners herein, armed with *Dab, fasuli, Gupti, Katta* (country made pistol) and sticks, were standing and when she tried to raise alarm, they caught hold of her and tied her hand by her sari, on pistol point, as also stuffed her mouth with cloth. Nonetheless, the complainant is stated to have raised alarm, whereafter her husband and son had arrived there and then the other accused persons, including the petitioners herein, had also arrived and all the accused persons had then engaged in assaulting the complainant, her husband and son with fists and slaps. It is further alleged that thereafter the accused person namely Subhawati Devi had snatched gold chain from the neck of the complainant, while other accused persons had taken away cash amount of Rs. 10,000/-, clothes,



documents and had also snatched the wrist watch.

The learned counsel for the petitioners submits that the petitioners are innocent, have been falsely implicated in the present case and as far as the petitioners no. 1, 2, 3 and 7 are concerned, they are accused in one other case, which has been lodged by the co-villagers against whom the petitioner no.3 has lodged a case for assault and injury caused to him and his family members. It is further submitted that the instant case has been filed by way of counter case to the complaint case filed by the co-accused person namely Subhawati Devi for an occurrence dated 02.04.2019, against the complainant of the instant case, her husband and her son bearing Complaint Case No. 1058 of 2019 (Trial No. 2346 of 2019). It is also submitted that though the date of occurrence has been stated to be 10.04.2019, however, the complaint case has been filed after much delay only on 07.06.2019, hence the *malafide* and ulterior motive on the part of the complainant is apparent.

The learned Additional Public Prosecutor has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the fact that the



present case arises out of a case and counter case and the complaint case in question has been filed after a great delay, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioners, above-named, are directed to be released on anticipatory bail on furnishing bail-bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned C.J.M. Gopalganj, in connection with C. Case No. 1307 of 2019, Trial No. 2275 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr. P.C..

(Mohit Kumar Shah, J)

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