

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27503 of 2020**

Arising Out of PS. Case No.-26 Year-2020 Thana- SONO District- Jamui

1. RAVINDRA THAKUR S/o Khakhru Thakur Resident of Village- Charaiya, P.S.- Sono (Charkapathar), District- Jamui.
2. Gogo Thakur S/o Khakhru Thakur Resident of Village- Charaiya, P.S.- Sono (Charkapathar), District- Jamui.
3. Golu Thakur S/o Khakhru Thakur Resident of Village- Charaiya, P.S.- Sono (Charkapathar), District- Jamui.
4. Khakhru Thakur S/o Jhari Thakur Resident of Village- Charaiya, P.S.- Sono (Charkapathar), District- Jamui.
5. Rubby Devi W/o Gogo Thakur Resident of Village- Charaiya, P.S.- Sono (Charkapathar), District- Jamui.
6. Neetu Devi W/o Budhan Thakur Resident of Village- Charaiya, P.S.- Sono (Charkapathar), District- Jamui.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma, Advocate
For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

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

2 26-11-2020 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Learned counsel for the petitioners submits that Ravindra Thakur (petitioner no. 1) has already been arrested, therefore, he would not press this application as regards petitioner no. 1.

In that view of the matter, let this application as regards petitioner no. 1 be dismissed as withdrawn. It is now



confined to petitioner nos. 2 to 6 only.

The petitioner nos. 2, 3, 4, 5 and 6 in the present case are seeking pre-arrest bail in connection with Sono (Charkapathar) P.S. Case No. 26 of 2020 registered for the offences punishable under Sections 147, 149, 341, 323, 325, 308, 379, 504, 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that the informant and the petitioners' side are co-sharers and they seem to have fought over construction of house on a piece of land. In the alleged occurrence which took place on 25.01.2020 both the parties claimed to have assaulted each other, there is a case and counter case and both the cases have been lodged 8 days after the alleged occurrence.

Learned counsel, therefore, submits that from the First Information Report in this case it would appear that the allegations have been made against Gogo Thakur, Rubi Devi and Nitu Devi that they have assaulted the informant by rod and lathi which caused fracture of her hand and she suffered injury on her head.

It is further alleged that Rabindra Thakur, Sonu Thakur and Khakhru Thakur assaulted the husband of the informant and caused injury on his head and then they took



away the box in which a sum of Rs. 1,40,000/- was lying. The informant says that she had gone to government hospital from where she was referred to Jamui and after returning from hospital she was lodging the FIR.

Learned counsel submits that the case is one of over implication of the accused with an after thought. It is evident that the informant had not gone to police station immediately after the alleged occurrence, informant and her husband went for treatment and then both sides had a panchayati which fact has come in the FIR lodged by petitioner no. 6 and they decided not to lodge the case against each other but thereafter, they did not agree with the panchayati and both the parties went to police station after 8 days to lodge the FIR.

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 learned counsel for the petitioners has further informed this Court that he has got injury reports of informant and her husband, the informant has suffered right hand fracture which is found grievous in nature but her injuries on head and chest are simple and then her husband has suffered grievous injury on his head but his injuries on chest and spine are simple, considering the fact that the FIR



has been lodged and the names have been disclosed after knowing the injuries, this Court while refusing to grant anticipatory bail to petitioner nos. 2, 3, and 4 is inclined to grant anticipatory bail to petitioner nos. 5 and 6.

The prayer for anticipatory bail of petitioner nos. 2, 3 and 4 is, thus, refused.

In case petitioner nos. 2, 3, and 4 surrender and pray for regular bail in the court below within a period of four weeks from today their prayer for regular bail shall be considered on their own merit without being prejudiced by the present order of this Court.

So far as petitioner nos. 5 and 6 are concerned, they are the female members and petitioner no. 6 has lodged the counter case alleging that she was assaulted by the husband of this informant, this Court directs in the event of their arrest or surrender within four weeks from today petitioner nos. 5 and 6 above-named in connection with Sono (Charkapathar) P.S. Case No. 26 of 2020 be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of Smt. Bharti Kumari, Judicial Magistrate Ist Class, Jamui, subject to the condition as laid down under Section 438 (2) Cr.P.C. as



under :

(i) a condition that the person shall make himself/herself 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner nos. 5 and 6 and in case at any stage it is found that the petitioner nos. 5 and 6 have concealed their criminal antecedent, the court below shall take steps for cancellation of bail bonds of the petitioner nos. 5 and 6.

The application is partly allowed.

(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'.

