

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12969 of 2021**

Arising Out of PS. Case No.-153 Year-2020 Thana- PARASBIGHA District- Jehanabad

1. KAMLESH THAKUR Son of Late Basudeo Thakur Resident of Village - Nauru, P.S.- Parasbigha, Distt. - Jehanabad.
2. Gopal Thakur Son of Late Basudeo Thakur Resident of Village - Nauru, P.S.- Parasbigha, Distt. - Jehanabad.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Ms. Anita Kumari Singh, Advocate
For the Informant	:	Mr. Paras Nath, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-06-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Parasbigha P.S. Case No. 153 of 2020 registered for the offences punishable under Sections 341, 323, 352, 504, 506, 308 and 354 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the prosecution story when the informant was at his door the son of petitioner no. 1 threw drainage water on him and on protest



by the informant, the petitioners and other co-accused variously armed came to his house and started abusing him. The co-accused Ravi Shankar Kumar and Mani Shankar Kumar assaulted the informant with khanti on his head and when the mother of the informant came to rescue him, she was also assaulted and petitioner no. 1 torn her blouse. After hearing the noise, co-villagers gathered at the place of occurrence and the accused person fled away.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case due to a previous land dispute. There is a case and counter case and there is a false allegation that petitioner no. 1 had torn the blouse of informant's mother, there is no allegation at all against the petitioner no. 2. Learned counsel submits that the petitioners have got no criminal antecedent and are in custody since 01.12.2020.

Learned A.P.P. for the State as well as learned counsel for the informant have opposed the prayer for regular bail of the petitioners.

Having heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State, taking note of the submissions of the learned counsel for



the petitioners that so far as petitioner no. 1 is concerned, there is a concocted allegation that he had torn the blouse of informant's mother, there is no allegation at all against the petitioner no. 2, there is another version of the alleged occurrence giving rise to a counter case and further submission that the petitioners have remained in jail in connection with the present case since 01.12.2020, investigation against them is complete but the trial is not likely to be concluded in near future, considering all these aspects, let the petitioners above named 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 learned Chief Judicial Magistrate, Jehanabad in connection with Parasbigha P.S. Case No. 153 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such 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 or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(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'.

