

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 33944 of 2020

Arising Out of PS Case No.-668 Year-2019 Thana- BAGHA District- West Champaran

1. Dhaneshwar Thakur, aged about 50 years, Gender-Male, Son of Late Parshuram Thakur.
 2. Kamal Thakur, aged about 50 years, Gender-Male, Son of Avadhi Thakur.
 3. Papu Thakur, aged about 35 years, Gender-Male, Son of Kamal Thakur.
 4. Jhabu Thakur, aged about 30 years, Gender-Male, Son of Kamal Thakur.
 5. Nipur Thakur @ Narendra Kumar Thakur, aged about 35 years, Gender-Male, Son of Banaras Thakur.
- All 1 to 5 resident of Mauza-Naraipur, PS-Bagha Patkhauli, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nishant Kumar Sinha, Advocate
For the State	:	Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 05-04-2021

Heard Mr. Nishant Kumar Sinha, learned counsel for the petitioners and Ms. Meena Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioners apprehend arrest in connection with Bagha Patkhauli PS Case No. 668 of 2019 dated 21.12.2019, instituted under Sections 147, 149, 342, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code.



3. The allegation against the petitioners is of general and omnibus assault causing injury.

4. Learned counsel for the petitioners submitted that there is also a counter case lodged by the petitioners' side against the informant and others which is prior in time, though on the same day. It was submitted that the parties are agnates and there is land dispute between them and a fight had occurred between the parties on the said date. It was submitted that the injury report discloses only one swelling behind the head of the informant which has been opined to be simple in nature. Learned counsel submitted that the petitioners have no criminal antecedent.

5. Learned APP submitted that there is allegation of assault against all the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bagha, West Champaran in Bagha Patkhauri PS Case No. 668 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal



Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners and they shall co-operate with the police/prosecution and the Court. Any violation of the terms and conditions of the bonds or failure to co-operate shall lead to cancellation of their bail bonds.

7. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	
T	

