

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36803 of 2020

Arising Out of PS. Case No.-86 Year-2020 Thana- SIWAN MUFFASIL District- Siwan

1. Pankaj Thakur S/O Dhruv Thakur
2. Dipeshwar Thakur S/o Dhruv Thakur
3. Madho Thakur @ Madhav Thakur S/o Late Ramayan Thakur
4. Birendra Thakur @ Virendra Thakur S/o Late Ramayan Thakur All Resident of Village-Chanaur, Police Station-Siwan Muffasil (Dhanauti O.P.), District-Siwan.

... .. Petitioner/s

Versus
The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh
For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 28-10-2021 Heard Sri Bijay Prakash Singh, learned counsel for the petitioners and Sri Mukeshwar Dayal, learned APP for the State.

Petitioners are seeking anticipatory bail in Siwan Muffasil (Dhanauti O.P) P.S. Case no. 86 of 2020 dated 20.2.2020 registered for the offence punishable under sections 341, 323, 324, 307, 380, 427, 448 and 504/34 of the Indian Penal Code.

Learned counsel for the petitioners at the outset submits that petitioners are person with clean antecedent and from perusal of the allegation as alleged in the FIR, it would manifest



that allegation against Pankaj Thakur (petitioner no.1) is that he assaulted Kripa Shankar Prasad son of the informant with Farsa on head leading to injury and so far as petitioner nos. 2 to 4 are concerned, against them it is alleged that they were armed with lathi and rod and assaulted Uma Shankar Sah leading to injury on non-vital part of the body. Learned counsel for the petitioners further submits that reason for the occurrence was that the informant was cleaning his door when petitioners surround him and started abusing and on protest they assaulted in the manner as aforesaid.

Learned counsel for the informant submits that a counter case being Siwan Muffasil (Dhanauti O.P) P.S. Case no. 87 of 2020 dated 20.2.2020 registered for the offence punishable under sections 341, 323, 324, 307, 337, 379 and 504/34 of the Indian Penal Code was instituted by Dipeshwar Thakur (petitioner no.2) herein in which allegation of assault is against informant and others of the present case. He further submits that it has been alleged that Kripa Shankar was assaulted with Farsa but injury report does not corroborate the allegation as it has come that Kripa Shankar was assaulted by hard and blunt substance. Further learned counsel for the informant also submits that the injuries of the informant and his son as it has



come in para- 101 of the case diary are simple in nature.

Learned APP does not dispute the contentions of the petitioners that injuries are simple in nature and caused by hard and blunt substance.

Considering the facts in its totality in the event of arrest/surrender within ten weeks from today, the petitioners are directed to be released on anticipatory bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Siwan in Siwan Muffasil (Dhanauti O.P) P.S. Case no. 86 of 2020 subject to the condition under section 438(2) Cr.P.C.

(Satyavrat Verma, J)

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