

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.171 of 2021

Arising Out of PS. Case No.-206 Year-2020 Thana- KUDHNI District- Muzaffarpur

1. SUNIL KUMAR @ SUNIL KUMAR THAKUR Son of Rajendra Thakur Resident of Village - Kharauna Dih, Police Station - Kudhani, out Post O.P. - Turki, District - Muzaffarpur.
2. Sushil Kumar Thakur Son of Rajendra Thakur Resident of Village - Kharauna Dih, Police Station - Kudhani, out Post O.P. - Turki, District - Muzaffarpur.
3. Shivam Kumar Son of Sushil Kumar Thakur Resident of Village - Kharauna Dih, Police Station - Kudhani, out Post O.P. - Turki, District - Muzaffarpur.
4. Shubham Kumar Son of Sushil Kumar Thakur Resident of Village - Kharauna Dih, Police Station - Kudhani, out Post O.P. - Turki, District - Muzaffarpur.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Mukund Mohan Jha
For the Opposite Party/s :	Mr. Hari Kishore Thakur
	Ms. Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 17-08-2021 As prayed for, let the learned counsel appearing for the petitioner remove the defect(s), as pointed out by the office vide its notes dated 31.12.2020, within four weeks of starting of Court proceeding in physical mode in normal course.

Learned counsel appearing on behalf of the petitioners seeks permission to withdraw the application filed on behalf of the petitioner Nos. 1, 3 and 4, namely, Sunil Kumar @ Sunil Kumar Thakur, Shivam Kumar and Shubham Kumar as they have already been apprehended by the Police.



In view of the above, the application filed on behalf of the petitioner Nos. 1, 3 and 4, namely, **Sunil Kumar @ Sunil Kumar Thakur, Shivam Kumar and Shubham Kumar** is dismissed as withdrawn.

Heard learned counsel for the petitioner No.2, namely, Sushil Kumar Thakur and the learned A.P.P. for the State through video conferencing.

The petitioner No.2 apprehends his arrest in connection with Kudhani P.S. Case no. 206 of 2020, registered under Sections 147, 148, 149, 341, 323, 324, 307, 504 and 506 of the Indian Penal Code.

The accusation is that in the morning of 14.04.2020, informant Lal Narayan Thakur was engaged in keeping paddy straw, at that time, his pattidar Rajendra Thakur, Sushil Kumar Thakur (Petitioner No.2), Sunil Kumar Thakur, Shivam Kumar, Subham Kumar, Sangita Devi, Gunja Devi and Urmila Devi variously armed with weapons came there and started to abuse and forbade him to keep straw, when informant made protest then on the order of Rajendra Thakur, Shivam Kumar and Shubham Kumar gave spade blow at his head in which he sustained cut injury at his left hand at two places, Sunil Kumar Thakur also caused injury through Dab at the



finger of his right hand. When Rajeev Ranjan, son of informant, rushed to save then Shubham and Shivam caused injury to him through spade. In the meantime, Sunil Kumar Thakur caused injury through butt of the pistol at the back and neck of Rajeev Ranjan. At that time, Punam Thakur, wife of informant, was also assaulted by Sunil Kumar Thakur and Shushil Kumar Thakur (Petitioner No.2) caught hold her hair and laid her on the ground. At that time, Sangita Devi and Gunja Devi snatched her gold ornaments.

Learned counsel for the petitioner No.2 submits that due to some dispute, occurrence of Marpit took place in which petitioner's side also sustained injury regarding which Kudhani P.S. Case No. 204 of 2020 was instituted on 14.04.2020 on the basis of fardbeyan of petitioner No.2 Sushil Kumar Thakur. Moreover, the allegation against the petitioner No.2 Sushil Kumar Thakur is to cause injury through butt of pistol to Rajeev Ranjan, but the injury as found on the person of Ranjeev Ranjan is simple in nature. The petitioner No.2 has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioner No.2, namely, Sushil Kumar Thakur be released on bail, in the event of his arrest or surrender before the



learned Court below within a period of four weeks from today,
on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two
sureties of the like amount each to the satisfaction of learned
A.C.J.M-III, Muzaffarpur (West) in connection with Kudhani
P.S. Case No. 206 of 2020, subject to the condition as laid down
under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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