

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19738 of 2021**

Arising Out of PS. Case No.-598 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Nikesh Thakur Son Of Late Rama Kant Thakur R/O Village- Khamhar, Ward
No.08, P.S.- Begusarai Muffasil, District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Adv
For the Opposite Party/s : Mr.A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 10-01-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Begusarai
Muffasil P.S.Case No. 598 of 2020 registered for the offence
under Sections 341,323,307,504/34 of the Indian Penal Code.

The prosecution case in short is that on the basis of
fardbeyan of Sanjay Kumar, the full brother of the petitioner,
alleging therein that on 24.11.2020 at about 1.30 PM in the day
hours, the daughter of the informant namely Lovely Kumari
aged about 18 years disclosed on mobile phone before the
informant that the daughter of the informant was entering in the
house with the son of the younger brother of the informant with
her in the meantime the son of the present petitioner has been



dashed by her and he fell down and has sustained some injury when the petitioner came to know about the same, he abused the daughter of the informant asking her to call the father than the informant went there and collected all the information regarding the incident from the daughter of the informant and sent his daughter to ask the accused Nikesh Thakur that the informant arrived there, just on that the brothers of the informant namely Rakesh Thakur and Nikesh Thakur have pulled out the informant outside of the house and started assaulting him by means of the lathi and bamboo due to which he sustained head injury thereafter he has been treated by the village doctor and also in the sadar Hospital Begusarai but the injury has not healed than the informant went to the doctor Abhishek Kuimar on 29.11.2020 for the treatment, in the FIR, it has also been stated that the mother of the informant is also in favour of the accused persons and at the time of the occurrence she put the legs of the informant caught and was involved in the occurrence, in the last of the case the informant alleged that he was not willing to lodge the case but as his situation is being deteriorated that's why the information was given to the police station further as the informant is not supporting the wrong deeds of the accused persons that's why the present occurrence



took place.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR that the date of occurrence as mentioned in the FIR was 24.11.2020 and the present FIR has been instituted on 30.11.2020. He further submits that the informant is full brother of the petitioner. He further submits that the present FIR is a counter blast of the Begusarai Muffasil P.S. Case No.599 of 2020. Petitioner is in custody since 01.12.2020.

Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for bail of the petitioner and they submit that it appears from the injury report that the petitioner and his brother, namely, Rakesh Thakur assaulted by lathi and bamboo so that informant grievously injured.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Begusarai Muffasil Police Station Case No.598 of 2020 with the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

(Rajesh Kumar Verma, J)

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