

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16770 of 2022**

Arising Out of PS. Case No.-202 Year-2020 Thana- MURLIGANJ District- Madhepura

1. Santosh Thakur @ Santosh Kumar @ Santosh Kumar Thakur Son Of Maharaj Thakur R/O Village- Belo Hata Tola Ward No. 01, P.S. - Murliganj, District - Madhepura.
2. Akhilesh Kumar @ Akhilesh Thakur Son Of Sukhdev Thakur R/O Village- Belo Hata Tola Ward No. 01, P.S. - Murliganj, District - Madhepura.
3. Dilip Thakur @ Dileep Thakur Son Of Sukhdev Thakuar R/O Village- Belo Hata Tola Ward No. 01, P.S. - Murliganj, District - Madhepura.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |                           |
|----------------------------|---------------------------|
| For the Petitioner/s :     | Mr. Sharda Nand Mishra    |
| For the Opposite Party/s : | Mr. Damodar Prasad Tiwary |
|                            | Mr. Durgesh Kumar         |

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      22-09-2022                      Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379, 302 and 34 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioner no.3 is a person with clean antecedent and petitioner nos.1 and 2 have antecedent of two cases. It is next submitted that the informant alleges that on 03.07.2022 at about 8.00 A.M., the accused persons were constructing the house over the disputed land, on which the Title Suit is pending and



when the same was objected by the informant, the accused persons including the petitioners started abusing and assaulting the informant with lathi and when his wife and daughter-in-law came to save, the accused persons also assaulted both of them causing injury. It is next alleged that Shrawan Thakur is alleged to have assaulted with farsa causing injury on the head of the informant and also snatched silver chain worth Rs.35,00/- from the neck of the wife of the informant.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. It is next submitted that the police after investigation submitted final form in favour of the petitioners as would be evident from Annexure-2 to the anticipatory bail application. It is also submitted that once the police after carrying threadbare investigation was not able to connect the petitioners with the offence leading to submission of final form and based on the same material, the learned Judicial Magistrate has taken cognizance. It is next submitted that since one Investigating Agency has found the petitioners to be innocent, hence, sending them to jail would not serve any purpose at this stage.

The learned counsel for the informant as well as learned A.P.P. opposes the bail application, but are not able to



rebut the submission of the learned counsel for the petitioners that final form no.298 of 2020 dated 07.10.2020 has been submitted in favour of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Murliganj P. S. Case No.202 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

**(Satyavrat Verma, J)**

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