

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33213 of 2022

Arising Out of PS. Case No.-7 Year-2022 Thana- RAGHOPUR District- Vaishali

1. DHARMENDRA THAKUR SON OF KAPIL THAKUR RESIDENT OF VILLAGE- RUTAMPUR, POLICE STATION- RAGHOPUR, DISTRICT- VAISHALI.
2. JITENDRA THAKUR SON OF KAPIL THAKUR RESIDENT OF VILLAGE- RUTAMPUR, POLICE STATION- RAGHOPUR, DISTRICT- VAISHALI.
3. TULTUL KUMAR SON OF KAPIL THAKUR RESIDENT OF VILLAGE- RUTAMPUR, POLICE STATION- RAGHOPUR, DISTRICT- VAISHALI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dharendra Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Nawal Kishore Prasad, A.P.P.
	:	Mr. Ramchandra Sahni, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 379, 307, 504 and 506. of the Indian Penal Code.

The informant alleges that an altercation took place between sons of Kapil Thakur and nephew of the informant, thereafter, accused persons came and petitioner No. 1 and 2 assaulted the informant (Awdhesh) with razor repeatedly



causing injuries on face, neck and head, further, when his father and wife and wife of his younger brother came to save him Kapil assaulted the wife of his younger brother by an iron rod causing injury on head and petitioner No. 3 assaulted his father on arm by sword causing injury, further, petitioner No. 2 assaulted his wife by razor causing injury on cheek and rib, further, Sunita and Punam snatched Mangalsutra worth Rs. 85,000/-.

Learned counsel for the petitioner submits that the petitioners are persons with clean antecedent and the petitioner No. 2 is aged about 24 years and petitioner No. 3 is aged about 19 years. Learned counsel next submits that the petitioner have been falsely implicated in the present case, it is next submitted that on account of the dispute relating to altercation between sons of Kapil and nephew of the informant, the alleged occurrence is said to have taken place, it is further submitted that though it is alleged that petitioner No. 1 and 2 repeatedly assaulted the informant with razor but then from perusal of the impugned order, it would manifest that the injuries suffered by the informant is lacerated and thus the allegation that he was assaulted by razor gets belied, it is next submitted that no doubt the petitioner No. 3 also is alleged to have assaulted but then the



injuries suffered by all the injured is simple in nature and even Tetari Devi's injury which is on scalp is simple which prima facie demonstrates that the accused persons never had any intention of committing a serious occurrence. Learned counsel further submits that petitioner No. 2 and 3 are young boys and in heat of the moment, it appears that the occurrence took place but then part of the nature of assault gets belied by the injury as recorded in the impugned order with respect to the informant and as far as petitioner No. 3 is concerned, he is just a boy of 19 years of age and if he is sent to judicial custody, his entire career would get jeopardized and chances are bright that he may come in company of hardened criminals.

Learned A.P.P. for the State and the learned counsel for the informant opposes the prayer for anticipatory bail of the petitioners but are not able to meet the submissions of the learned counsel for the petitioner that the injuries suffered by the injured is simple in nature and the wound of the informant is lacerated and not sharp cutting injury.

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 trial court within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 10,000/-
(Rupees Ten Thousand) each with two sureties of the like
amount each to the satisfaction of the learned trial court where
the case is pending/successor court in connection with Raghopur
P.S. Case No. 07 of 2022 subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

One of the bailor of petitioner No. 2 and 3 shall be
their cousin brother, Suraj Thakur.

(Satyavrat Verma, J)

HarshPandey/-

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