

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43641 of 2021

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

1. Shivam Kumar S/O Sushil Kumar Thakur R/O Village-Khrauna Deeh, P.S-Kudhani (TURKI O.P.), District- Muzaffarpur
2. Shuvam Kumar S/O Sushil Kumar Thakur R/O Village-Khrauna Deeh, P.S-Kudhani (Turki O.P.), District-Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Kudhni (Turki O.P.) P.S.Case No. 206 of 2020 registered for the offence under Sections 147,148,149,341,323,324,307,379,504 and 506 of the Indian Penal Code.

As per fardbeyan of the informant Lal Narayan Thakur this is a case of assault and the accused petitioners are pattidars of the informant. It is said that when the informant



restrained to keep chaff, accused Rajendra Thakur ordered to kill him and then Sushil Thakur ran with pistol, Shivam and Shubham inflicted Kudal upon his head resulted his left hand was sustained cut injury. Sunil Kumar Thakur given blow with Dab upon his neck with a view to kill him, resulting his right hand's finger cut. Subham and Shivam inflicted Kudal blow on his son Rajiv Ranjan and during course of saving him, he sustained cut injury on the middle of his left elbow and above the palm (Gatta). Sunil Kuimar Thakur also injured the neck of Rajiv Ranjan by the butt of Gun. Sunil Thakur and Sushil Kumar Thakur caught hair of his wife and began to assault her for their leg and Sangita Devi snatched her gold chain and Gunja Devi also snatched the ear-ring of his wife.

Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. He further submits that the present case has been lodged due to property dispute between the family members of the petitioners and the informant. He further submits that co-accused-Sushil Kumar Thakur has been granted privilege of anticipatory bail by a Coordinate Bench of this Court on 17.08.2021 in Cr. Misc. No.171 of 2021. He further submits that the present FIR is counter blast of Kudhani



(Turki O.P.) P.S.Case No.204 of 2020. He further submits that it appears from the injury report that the injury is simple in nature. Petitioners are in custody since 18.03.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st (West Muzaffarpur) in connection with Kudhani Police Station Case No.206 of 2020 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at



any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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