

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 44608 of 2022

Arising Out of PS. Case No.-47 Year-2022 Thana- KARJAIN District- Supaul

1. KAMAL THAKUR @ KAMAL NARAYAN THAKUR Son of Late Lakhan Thakur Resident of Village - Jagdishpur, P.s.- Karjain, Distt.- Supaul.
2. Madhav Thakur Son of Late Lakhan Thakur Resident of Village - Jagdishpur, P.s.- Karjain, Distt.- Supaul.
3. Sunil Kumar Son of Madhav Thakur Resident of Village - Jagdishpur, P.s.- Karjain, Distt.- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 22-12-2022 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, 149, 341, 323, 308, 325, 354((A), 379, 504, 506 and 34 of the Indian Penal Code.

The informant alleges that on 13.04.2022 at 12.00 pm, when she was in her house, the accused persons including the petitioners came and started abusing her and when she protested, it is alleged that petitioner no. 1 assaulted the informant by a *khanti* causing injury on head, thereafter, Madhav Thakur



assaulted by an iron rod causing injury on her right shoulder and when her husband came to save, Sunil Thakur and Madhav Thakur assaulted him by an iron rod on his back and arm and when her sister-in-law came to save him, Sunil Kumar dashed her on the ground and misbehave with her and when her brother-in-law came to save, then Sunil Kumar assaulted him with a rod causing injury on his left hand.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner no. 3 is a young boy aged about 18 years and petitioner no. 1 is a senior citizen aged about 63 years and have been falsely implicated in the present case, it is next submitted that petitioners are agnates and a Title Partisan Suit is also going on between the parties and thus on account of property dispute, the present occurrence is alleged to have taken place, it is next submitted that though petitioner no. 1 assaulted the informant on head by *khanti* but then the injury suffered by her is simple in nature, it is next submitted that allegation against petitioner no. 3 is of assaulting the husband of the informant, but then her husband has not suffered any injury which amply demonstrates that they have been falsely implicated in the present case.

Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioners and submits that one of the injuries suffered by the informant is grievous in nature caused by Madhav Thakur.

Considering the submissions made by the learned counsel for the petitioners, the petitioner no. 1 and 3, 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 Karjain P.S. Case No. 47 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The Court is not inclined to extend the privilege of the anticipatory bail to the petitioner no. 2.

(Satyavrat Verma, J)

GauravSinha/-

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