

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46563 of 2022

Arising Out of PS. Case No.-54 Year-2020 Thana- RAJNAGAR District- Madhubani

1. RAJDEO THAKUR Son of Jaldhar Thakur R/V- Raj Nagar, P.S- Raj Nagar, Dist- Madhubani
2. Sanjay Thakur Son of Rajdeo Thakur R/V- Raj Nagar, P.S- Raj Nagar, Dist- Madhubani
3. Babloo Thakur @ Babloo Kumar Sharma Son of Raj Kishore Thakur R/V- Raj Nagar, P.S- Raj Nagar, Dist- Madhubani
4. Rahul Thakur @ Rahul Kumar Thakur Son of Raj Kishore Thakur R/V- Raj Nagar, P.S- Raj Nagar, Dist- Madhubani
5. Raj Kishore Thakur Son of Jaldhar Thakur R/V- Raj Nagar, P.S- Raj Nagar, Dist- Madhubani
6. Mukesh Thakur Son of Shiv Nath Thakur R/V- Raj Nagar, P.S- Raj Nagar, Dist- Madhubani
7. Ganesh Thakur Son of Shiv Nath Thakur R/V- Raj Nagar, P.S- Raj Nagar, Dist- Madhubani
8. Rakesh Thakur @ Rakesh Kumar Son of Kishun Thakur R/V- Raj Nagar, P.S- Raj Nagar, Dist- Madhubani
9. Govind @ Govind Kumar Sharma Son of Ram Narayan Sharma R/V- Raj Nagar, P.S- Raj Nagar, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Adv.
For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-11-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offence under Sections 341, 504, 323, 325, 379/34 of the Indian Penal Code but the learned Magistrate



has taken cognizance against all the petitioners under Sections 341, 323, 324, 308, 504 and 506/34 of the Indian Penal Code.

The informant and others are said to have been assaulted by the petitioners and others by fist and slaps and further by iron rod due to which they sustained injuries.

Learned counsel for the petitioners submits that they are innocent and have falsely been implicated in the present case in the garb of a land dispute. He further submits that there is general and omnibus allegation against the petitioners and no specific allegation of assault is attributed to them. He further submits that the present case is a counter version of Rajnagar P.S. Case No. 53 of 2020 filed by the petitioner No. 5 against the informant and his family members. He further submits that the injuries sustained by the informant's side are opined to be simple in nature, which would be evident from Annexure-4 to this application. Hence, the petitioners, who are of clean antecedents, may be granted the privilege of anticipatory bail.

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, above named, petitioners in the event of arrest of surrender before the court below within a period of four weeks from the date of order 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 Court below where the case is pending in connection with Rajnagar P.S. Case No. 54 of 2020 corresponding to G.R. Case No. 292 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also 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 bond shall be canceled 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 antecedent, 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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