

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46564 of 2022

Arising Out of PS. Case No.-342 Year-2021 Thana- RAMGARHWA District- East
Champaran

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1. Lalan Thakur Son Of Rajendra Thakur, R/O Village- Bhaluwhiyan, P.S.- Ramgarhwa, Dist.- East Champaran.
 2. Rajeev Kumar @ Rajive Kumar Son of Jai Kishore Thakur, R/O Village- Bhaluwhiyan, P.S.- Ramgarhwa, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bal Govind Sharma, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 325, 504/34 of the Indian Penal Code.

According to prosecution case, the informant Bhagwat Thakur has filed a petition and stating therein that all the F.I.R. named accused persons including these petitioners-accused holding weapons in their hands came at the door of the informant and assaulted the informant and his family members. The petitioner-accused Jai Kishore Thakur gave Farsa blow on the head of the informant causing cut injury and bleeding. When

the informant's wife Nagina Devi came to save him, accused Lallan Thakur assaulted her with iron-rod, due to which she became injured. It is further stated that the accused persons also assaulted other family members of the informant.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that petitioners and informant are close agnates and they are having ancestral land dispute since long. He further submits that the allegation against the petitioner no.1 is that he assaulted the wife of the informant and there is no specific allegation against petitioner no.2. He further submits that the injury opined by the doctor that all the injuries are simple in nature and there is no allegation of overt act against these petitioners.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (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 Ramgarhwa P.S. Case No. 342 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also 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 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.

3. 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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