

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58727 of 2021

Arising Out of PS. Case No.-176 Year-2021 Thana- BISFI District- Madhubani

1. MITHILESH THAKUR Son of Haidwar Thakur Resident of village - Sadullahpur, P.S.- Bisfi, District - Madhubani
2. Kajal Kumari @ Rashmi Kumari Daughter of Mithilesh Thakur Resident of village - Sadullahpur, P.S.- Bisfi, District - Madhubani
3. Neha Kumari Daughter of Mithilesh Thakur Resident of village - Sadullahpur, P.S.- Bisfi, District - Madhubani
4. Gopal Kumar Thakur @ Gopal Thakur Son of Mithilesh Thakur Resident of village - Sadullahpur, P.S.- Bisfi, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Adv.

For the Opposite Party/s : Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-06-2022 Heard.

The petitioners apprehend their arrest in connection with Bisfi P.S. Case No. 176 of 2021, registered for the offence punishable under Sections 341, 323, 324, 325, 379, 427, 504, 506/34 of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioners herein, variously armed, having assaulted the informant and his younger brother. As far as the petitioner no.1 is concerned, he is stated to have assaulted the



informant on his hand and his younger brother on his head. As regards the petitioner no.4 is concerned, it is alleged that he had given a khanti blow on the head of the informant and had also broken the hand of his younger brother.

The learned counsel for the petitioners submits that the petitioners are innocent, have been falsely implicated in the present case and are having a clean antecedent. The learned counsel for the petitioners has further submitted that as far as the petitioners no. 2 and 3 are concerned, they have not been specifically alleged to have assaulted either the informant or his brother and a general and omnibus allegation has been levelled qua them.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner as also taking into account the materials available on record, this Court finds that there is specific allegation of assault qua the petitioners no. 1 and 4, which has resulted in grievous injuries being inflicted upon the brother of the informant, as is also apparent from the impugned order



dated 10.09.2021, hence, I do not find any merit in the prayer of the petitioners no. 1 and 4 for grant of anticipatory bail. Thus, the present petition qua the petitioners no. 1 and 4 stands rejected.

As far as the petitioners no. 2 and 3 are concerned, this Court finds that a general and omnibus allegation has been levelled against them and there is no specific allegation qua the said two female petitioners of them having engaged in any sort of overt act, hence, I deem it fit and proper to admit the petitioners no. 2 and 3 to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioners no. 2 and 3, above-named, are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned court of Additional Chief Judicial Magistrate-1st, Benipatti in connection with Bisfi P.S. Case No. 176 of 2021, subject to the conditions laid down under section 438(2) of the Cr. P. C.

At this juncture, the learned counsel for the petitioners no. 1 and 4 submits that they would



surrender before the learned court below within a period of four weeks from today, however, the learned court below be directed to consider and dispose off their application for grant of regular bail on the same very day.

Accordingly, the petitioner Nos. 1 & 4 are granted liberty to surrender before the learned court below within a period of four weeks from today and seek regular bail and in case the petitioner Nos. 1 & 4 do so, the learned court below shall make endeavour to dispose of the regular bail petition of the petitioners no. 1 and 4 on the very same day of filing of the same.

(Mohit Kumar Shah, J)

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