

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62229 of 2021

Arising Out of PS. Case No.-110 Year-2021 Thana- MADHEPUR District- Madhubani

KAPLESHWAR THAKUR S/o Harihar Thakur R/o village- Pauni, P.S.-
Madhepur, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hriday Narayan Harshit, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-04-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Madhepur P.S. Case No. 110 of 2021 for the offence registered
under Sections 341, 323, 324, 379, 307, 354(B), 354, 504, 506,
448 and 34 of the Indian Penal Code.

The allegation is regarding an altercation having taken
place in between the parties on account of dispute pertaining to
measurement of land whereafter the accused persons are stated
to have assaulted the informant and his son namely Gautam
Thakur. As far as the petitioner is concerned he is alleged to
have inflicted *farsa* blow on the head of the informant and his
son Gautam Thakur.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the



present case, is having a clean antecedent and he is languishing in custody since 20.07.2021. The learned counsel for the petitioner has referred to the injury report of the informant and his son, annexed as Annexure-3 series to the present petition, to show that the injuries sustained by them have been found to be simple in nature. It is submitted that the present case arises out of case and counter case and the petitioner has also been injured in the said incident, as has been categorically stated in paragraph no. 13 of the present petition.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that on account of certain land dispute there was a free-fight in between the parties resulting in both the parties having received injuries apart from the fact that the injuries found on the person of the informant and his son, attributable to the petitioner herein, have been found to be simple in nature as also the present case arises out of case and counter case in which the petitioner has also been stated to be injured, I deem it fit and proper to admit the petitioner to



the privilege of bail, however, subject to verification of the fact as to whether the informant and his son have received simple injuries or not, by the learned court below.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Jhanjharpur, District-Madhubani in connection with Madhepur P.S. Case No. 110 of 2021.

(Mohit Kumar Shah, J)

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