

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67626 of 2022

Arising Out of PS. Case No.-352 Year-2022 Thana- SURSAND District- Sitamarhi

1. RAM PUKAR THAKUR S/O Late Ram Dayal Thakur R/O Village- Chandpatti, Ward No-11, (Sursand), P.S- Sursand, District- Sitamarhi
2. Dinesh Thakur @ Raja Thakur S/O Ram Pukar Thakur R/O Village- Chandpatti, Ward No-11, (Sursand), P.S- Sursand, District- Sitamarhi
3. Lalan Thakur S/O Ram Pukar Thakur R/O Village- Chandpatti, Ward No-11, (Sursand), P.S- Sursand, District- Sitamarhi
4. Umesh Thakur S/O Ram Pukar Thakur R/O Village- Chandpatti, Ward No-11, (Sursand), P.S- Sursand, District- Sitamarhi
5. Bikash Thakur S/O Lal Babu Thakur R/O Village- Chandpatti, Ward No-11, (Sursand), P.S- Sursand, District- Sitamarhi
6. Ramsati Devi W/O Lalan Thakur R/O Village- Chandpatti, Ward No-11, (Sursand), P.S- Sursand, District- Sitamarhi
7. Priyanka Devi W/O Dinesh Thakur R/O Village- Chandpatti, Ward No-11, (Sursand), P.S- Sursand, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dr. Bidhu Ranjan, Advocate
For the Opposite Party/s	:	Mr. Nawal Kishore Prasad, A.P.P.
	:	Mr. Mahendra Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-12-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 504, 506, 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioners at the outset seeks permission to withdraw the anticipatory bail application with



respect to petitioner no. 1, 2, 3 and 4.

Permission is accorded.

The informant alleges that during panchayati relating to partition of property with his brother (petitioner no. 1), all of a sudden Dinesh, Umesh and Rambabu started assaulting him and when his son intervened all the accused persons assaulted him who died on way to hospital.

Learned counsel for the petitioner no. 5, 6 and 7 submits that the petitioners are persons with clean antecedent and petitioner no. 6 and 7 are women and have been falsely implicated in the present case, it is next submitted that from perusal of the allegation as alleged in the FIR it would manifest that informant and petitioner no. 1 are own brothers and there was some dispute relating to property for which a panchayati was going on and thereafter it is alleged that petitioner no. 2 and 4 along with Rambabu started assaulting him and when his son intervened then it is alleged that all the accused persons assaulted him and he died on his way to the hospital. Learned counsel next submits that whatever was the dispute it was between the petitioner no. 1 and the informant in which it is alleged that son of petitioner no. 1 had participated whose anticipatory bail application stand withdrawn and as far as the



present petitioners are concerned, they are innocent and have been implicated merely because they are family members, it is also submitted that there is no specific allegation of assault against them.

Learned A.P.P. for the State and the learned counsel for the informant opposed the prayer for anticipatory bail of the petitioners but are not able to meet the submission of the learned counsel for the petitioners that the allegation of assault is general and omnibus in nature.

Considering the submissions made by the learned counsel for the petitioner no. 5, 6 and 7, the petitioners above-named, 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 Sursand P.S. Case No. 352 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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