

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3897 of 2023

Arising Out of PS. Case No.-162 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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1. DURGESH THAKUR @ DURTOSH THAKUR @ KAMAL KISHORE THAKUR @ DURGESH Son of Bhola Thakur Resident of Agarwa, Ward No.-32. P.S.- Town Motihari, District- East Champaran
 2. BHOLA THAKUR Son of Late Raghunath Thakur Resident of Agarwa, Ward No.-32. P.S.- Town Motihari, District- East Champaran
 3. SUNITA DEVI Wife of Bhola Thakur Resident of Agarwa, Ward No.-32. P.S.- Town Motihari, District- East Champaran

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party.

Appearance :

For the Petitioner/s : Mr. Sunil Prasad Singh

For the Opposite Party/s : Mr. Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 12-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 379, 406, 420, 504, 506 & 384/34 of the Indian Penal Code.

Petitioners are said to have entered into the mill of the informant and abutted the informant's son and snatched the key of the mill and also took out Rs.20,000/- from the counter. In this regard a panchayati was also organized but the petitioners did not come in panchayati.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place.



Petitioners have been falsely implicated in this case. It is further stated that the informant is living in the house of the petitioners on rent paying Rs.3000/- per month. As a matter of fact, the informant put pressure on the petitioners to make him partner and prepared a partnership deed but the petitioner - Durgesh Thakur did not agree and consequent thereof the informant left the house of the petitioners and did not pay the outstanding rent. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioner no.1 has one criminal antecedent, whereas petitioner nos.2 and 3 have no criminal antecedent, as mentioned in para-3 of this application.

Having regard to the facts and circumstances of the case and especially considering their age, let the above named petitioner nos.2 and 3, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Motihari Town P.S. Case No. 162 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



Considering the facts and circumstances of case, I am not inclined to enlarge petitioner no.1 on anticipatory bail. The prayer for anticipatory bail of petitioner no.1 is hereby rejected.

However, if the petitioner no.1 surrenders before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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