

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14198 of 2023

Arising Out of PS. Case No.-297 Year-2022 Thana- BENIPATTI District- Madhubani

1. ARVIND THAKUR @ ARVIND KUMAR THAKUR Son of Late Dinesh Thakur R/v- Rajiya (Bari), P.S.- Benipatti, District- Madhubani
2. AMIT KUMAR Son of Arvind Thakur R/v- Rajiya (Bari), P.S.- Benipatti, District- Madhubani
3. RANJAN KUMAR Son of Arvind Thakur R/v- Rajiya (Bari), P.S.- Benipatti, District- Madhubani

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Benipatti P.S. Case No.- 297 of 2022 registered for the offences punishable under Sections 448/ 341/ 323/ 354B/ 384/ 427/ 379 and 34 of the Indian Penal Code. Petitioner no. 1 has got three criminal antecedents and he is on bail in two cases and is acquitted in Benipatti P.S. Case No. 138 of 2002. Petitioner nos. 2 and 3 are accused in two cases and in both the cases, they have got the privilege of bail.

As per the prosecution story, on 13.11.2022 at 5:30 A.M. petitioners along with few accused persons armed with



lathi and danda entered the house of the informant. They, then assaulted the informant, his son and wife and even used abusive language. The petitioner no. 2 along with Nilima Devi took away Rs. 60,000/- from the informant.

Learned counsel for the petitioners submits that the petitioners are are agnates and have been falsely implicated in this case.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case, wherein it is submitted that both the parties are agnates and in this case the entire family members have been roped in, however, the allegations are only ornamental in nature, the FIR has been lodged three days after the alleged occurrence, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named shall be enlarged on bail in connection with Benipatti P.S. Case No.- 297 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Benipatti, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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