

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30003 of 2023

Arising Out of PS. Case No.-578 Year-2022 Thana- SURSAND District- Sitamarhi

1. PAWAN KUMAR SON OF SRI RADHE SHYAM THAKUR Resident of Village Radhaur, P.S.- Sursand, District- Sitamarhi
2. SANTOSH KUMAR SON OF SRI RADHE SHYAM THAKUR Resident of Village- Radhaur, P.S. Sursand, District- Sitamarhi
3. SHARWAN THAKUR SON OF LATE CHANDESHWAR THAKUR Resident of Village- Radhaur, P.S.- Sursand, District- Sitamarhi
4. SAURABH KUMAR SON OF SUNDAR SHYAM THAKUR Resident of Village Radhaur, P.S.- Sursand, District- Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh

For the Opposite Party/s : Mr. Bharat Lal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 04-09-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offence under Sections 241, 323, 324, 307, 379, 504, 506, 447/34 of the Indian Penal Code.

3. As per the prosecution case, on 01.11.2022 at about 10:00 AM, while the informant was at his house, these four petitioners alongwith co-accused Radheshyam Thakur came there, variously armed, and started abusing him and on protest, petitioner no. 3 inflicted *Farsa* blow causing injury on his head.



It is further alleged that when two sons of informant came to save him, petitioner nos. 1 & 2 inflicted sword and *Farsa* blow upon their heads causing injury to them. Petitioner no. 1 and co-accused Radheshyam Thakur also inflicted iron rod and sword blow to sons of informant. It is next alleged that petitioner no. 3 took out cash of Rs. 5600/- from informant's pocket and petitioner no. 2 snatched gold chain from informant's son.

4. It is submitted on behalf of petitioners that on account of land dispute between the parties, a free fight took place, in which, both sides sustained injury. There is case and counter case.

5. Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail and submits that all the petitioners have assaulted informant and his sons, out of which, injury caused by petitioner no. 3 to informant has been found to be grievous in nature.

6. Considering the nature of injury caused by petitioner no. 3 (Shrawan thakur), his prayer for anticipatory bail is refused.

7. So far as prayer for anticipatory bail of remaining petitioners i.e. petitioner nos 1, 2 & 4, as named above, are concerned, in the event of their arrest/surrender within a period



of six weeks from today, they are directed to be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Pupri at Sitamarhi in connection with Sursand P.S. Case No. 578 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application is, accordingly, disposed of.

(Prabhat Kumar Singh, J)

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