

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30090 of 2023

Arising Out of PS. Case No.-38 Year-2022 Thana- RAIYAM District- Darbhanga

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1. Raj Kant Thakur, Son of late Satdeo Thakur, Resident of Village- Chhachha, P.S.- Raiyam, District- Darbhanga
 2. Mukesh Thakur, Son of Raj Kant Thakur, Resident of Village- Chhachha, P.S.- Raiyam, District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pravin Thakur, Son of Jai Kant Thakur, Resident of Village- Chhachha, P.S.- Raiyam, District- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kaushalesh Choudhary, Advocate
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 11-09-2023

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of anticipatory bail apprehending their arrest in connection with Raiyam P.S. Case no. 38 of 2022, registered under sections 307, 341, 323, 325, 504, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioners are said to have assaulted the informant as also the father of the informant with *farsa* and iron rod leading to injuries.

4. Learned counsel for the petitioners submits that the informant and the petitioners are agnates. It was as a result of family dispute that some altercation took place between the



parties, which led to the alleged occurrence. The dispute was trivial in nature, which would be evident from the fact that though the occurrence is said to have taken place on 27.8.2022, the FIR was registered after a delay of 14 days on 11.9.2022. There is case and counter case between the parties.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State who submits that there is direct allegations against the petitioners in the FIR. The allegation attributable to the petitioner no.1, the nature of injuries have been found to be grievous in nature.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., the nature of allegation attributed to petitioner no.1 and the contents of the injury report, the Court is not inclined to enlarge the petitioner no.1 namely, Raj Kant Thakur, on anticipatory bail and the application is rejected.

7. Taking into consideration the facts and circumstances of the case, the submissions made on behalf of the petitioners, delay in lodging of the FIR and the nature of injury attributable to the petitioner no. 2, it is directed that the petitioner no.2 namely, Mukesh Thakur, in the event of his arrest or surrender before the learned Court below within a period of



four weeks, be released on anticipatory bail in connection with Raiyam P.S. Case no. 38 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-V, Darbhanga.

(Partha Sarthy, J)

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