

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30897 of 2023

Arising Out of PS. Case No.-269 Year-2022 Thana- DUMARIAGHAT District- East
Champaran

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1. Samprabhu Thakur @ Shambhu Thakur S/O Late Ramnarayan Thakur R/O Village- Sarotar, P.S- Dumariyaghat, Distt.- East Champaran.
 2. Rajki Thakur @ Rajkishor Thakur S/O Late Rakat Thakur R/O Village- Sarotar, P.S- Dumariyaghat, Distt.- East Champaran.
 3. Khusbhu Devi W/O Munna Thakur R/O Village- Sarotar, P.S- Dumariyaghat, Distt.- East Champaran.
 4. Sima Devi W/O Samprabhu Thakur @ Shambhu Thakur R/O Village- Sarotar, P.S- Dumariyaghat, Distt.- East Champaran.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar

For the Opposite Party/s : Mr. Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioners and learned

A.P.P. for the State as well as learned counsel for the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 143, 341, 323, 324, 354B, 307, 447, 379 and 504 of the Indian Penal Code.

3. The petitioners in association of other co-accused is said to have assaulted the informant and her family members and also committed loot-pat.

4. 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. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. Both sides have filed cases against each other. The injury sustained by the victim is simple in nature. Petitioner no.2 has one criminal antecedent and rest of the petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP assisted by learned counsel for the informant opposed the prayer for bail. Learned counsel for the informant further submitted that petitioners have two criminal antecedents and this fact has been suppressed by them. Hence, the petitioners do not deserve bail.

6. Having regard to the facts and circumstances of the case as also the fact that there is land dispute between the parties and the injury sustained by the victim is simple in nature, let the above named petitioners, 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



lower Court where the case is pending/successor Court in connection with Dumariyaghat P.S. Case No.269 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. The learned Court below is directed to verify the criminal antecedent of the petitioners before accepting their bail bond. If it is found that petitioner no.2 has one criminal antecedent and rest of the petitioners have no criminal antecedent, then their bail bond shall be accepted otherwise their bail bond shall not be accepted.

(Anjani Kumar Sharan, J)

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