

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53182 of 2023

Arising Out of PS. Case No.-37 Year-2022 Thana- MATIHANI District- Begusarai

1. Pankaj Thakur Son Of Mahendra Thakur Resident Of Village- Sinhama, Punarvas, Shiman Karari, Sihma, Ps- Matihani, Distt- Begusarai
2. Arjun Thakur Son Of Dinesh Thakur Resident Of Village- Sinhama, Punarvas, Shiman Karari, Sihma, Ps- Matihani, Distt- Begusarai
3. Mahendra Thakur Son Of Bano Thakur Resident Of Village- Sinhama, Punarvas, Shiman Karari, Sihma, Ps- Matihani, Distt- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal, Advocate
For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Matihani P.S. Case No. 37 of 2022, registered on 01.04.2022 for the offences under Sections 323, 324, 326, 308, 379, 307, 504/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and co-accused persons assaulted the informant and petitioner no. 1 hit on the head of the informant with a weight. Occurrence took place in the background of dispute over passage (right to way).



4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Initially, the complaint petition was lodged which was later on sent for registration of FIR and all the offences mentioned in the complaint petition has been again mentioned in the FIR though the offences are not made out in the facts and circumstances of the case. The copy of the injury report has been annexed and it shows a superficial bleeding from forehead and the doctor advised dressing along with medicines. So, there is only one injury on the person of the informant though allegation of assault is against five persons. Learned counsel further submits that some dispute is going on in the village between different groups of people and the informant was assaulted by one Shambhoo Singh, a mentally retarded person, but the informant falsely implicated the petitioners in this case. Even during investigation allegation of theft and addressing the informant by co-accused name were found to be untrue. The allegations are mostly general, vague and omnibus against all the accused persons.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the superficial nature of injury coupled with vague nature of allegation against the petitioners, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Begusarai/ court concerned in connection with Matihani P.S. Case No. 37 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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