

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59111 of 2023

Arising Out of PS. Case No.-94 Year-2023 Thana- BASOPATTI District- Madhubani

1. Jitendra Thakur @ Jitendra Kumar Thakur, Son Of Akhileshwar Thakur, Resident Of Village- Jasso, Ps- Basopatti, Distt- Madhubani
2. Mohd. Habib, Son Of Mohd. Sajjad, Resident Of Village- Jasso, Ps- Basopatti, Distt- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Advocate
For the State	:	Mr. Pramod Kumar Pandey, APP
For the Informant	:	Mr. Shiv Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-10-2023 Heard learned counsel for the petitioners and learned APP for the State as well as learned counsel for the informant.

2. In this present case, the petitioners are apprehending their arrest in connection with Basopatti P.S. Case No. 94 of 2023, registered on 29.04.2023 for the offences under Sections 323, 341, 307, 324, 325, 379, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, on the orders of petitioner no.1, petitioner no.2 and other co-accused persons assaulted the informant and his family members. Allegation against the petitioners is that petitioner no.1 hit the informant on his head with the butt of country made pistol causing fracture on his head



and petitioner no.2 snatched gold chain worth of Rs. 80,000/- from the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is longstanding land dispute between the parties. A number of cases are pending between the parties. Learned counsel further submits that such matters travelled to this Court and CWJC No. 313 of 2012 as well as MJC No. 1221 of 2010 came to be filed before this Court. Petitioner no.1 has filed a complaint case vide Complaint Case No. 213 of 2010 before the learned Chief Judicial Magistrate, Madhubani against a number of persons of the informant side for an occurrence which took place on 20.02.2010 in which evidence is being recorded on behalf of the complainant and this is one of the cases in the series of large number of cases between the parties. Learned counsel further submits that the injury report of the informant shows injury caused by sharp object whereas the allegation is against petitioner no.2 for causing injuries by hard and blunt object. So the allegation of assault is falsified against petitioner no.1. Allegation against petitioner no.2 is merely ornamental and no such occurrence took place. Petitioner no.2 is having clean antecedent and petitioner no.1 is having one criminal



antecedent in which he is on bail.

5. Learned APP as well as learned counsel appearing on behalf of the informant oppose the submissions made on behalf of the petitioners. Learned counsel for the informant submits that there is specific allegation against the petitioners for serious offences.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the previous dispute between the parties and absence of injuries as alleged on one of the victims and further considering the possibility of false implication, 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 Chief Judicial Magistrate Madhubani/concerned court in connection with Basopatti P.S. Case No. 94 of 2023, 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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