

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58955 of 2023

Arising Out of PS. Case No.-1 Year-2022 Thana- MADHWAPUR District- Madhubani

1. Pushpam Devi Wife Of Sri Vijay Thakur, Village- Pirokhar P.S.-Madhwapur, Distt.- Madhubani
2. Abhiram Thakur Son Of Late Dhiraj Thakur, Village- Pirokhar, P.S.-Madhwapur, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-09-2023 Heard learned Counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending their arrest in connection with Madhwapur P. S. Case No. 01 of 2022 registered on 04.01.2022 for the offences punishable under Sections 341, 323, 447, 324, 354(A), 308, 379, 504 and 506/34 of the Indian Penal Code.

3. According to the prosecution, F.I.R. has been lodged against four named accused persons that they have surrounded the informant when he was returning to his house and it has been alleged that Anurag and Abhiram Thakur both attacked on the informant's side due to which they injured.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. He further submits that petitioners are not criminal rather the dispute has taken place by virtue of theft of cow dung in the village. Counsel further submits that for the same date and place of occurrence the F.I.R. has been lodged from both the side. The informant side has lodged the F.I.R. bearing Madhwapur P.S. Case No. 1 of 2022, whereas the petitioner's side has lodged the F.I.R. bearing Madhwapur P.S. Case No. 2 of 2022. Counsel further submits that antecedent of the petitioners are clean and the informant and petitioners are resident of same village. Counsel further submits that injury report is annexed as Annexure-3 series and except the injury of Ram Kripal Thakur, the others injury are simple. He further submits that there is no allegation against the petitioners that they have assaulted to Ram Kripal Thakur.

5. Learned APP for the State opposes the prayer for bail and submits that there is allegation against the petitioners that they have made assault.

6. In the aforesaid facts and circumstances, let the above-named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within 6

weeks from today, on furnishing bail bond of Rs. 30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Benipatti, Madhubani in connection with Madhwapur P.S. Case No. 01 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with other following conditions:

(i) One of the bailor should be the family member of the petitioners who shall provide official document to show his *bona fide*;

(ii) The petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bonds by the Trial Court itself;

(iii) The petitioners shall appear before the concerned police station every month for one year to mark attendance;

(iv) The petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) The petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty

to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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