

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68817 of 2023

Arising Out of PS. Case No.-91 Year-2020 Thana- KAMTAUL District- Darbhanga

1. Sanjeev Kumar Thakur @ Bhola Thakur S/O Bhagya Narayan Thakur R/O Village- Hariharpur, P.S- Kamtaul, Distt.- Darbhanga.
2. Baby Kumari @ Baby Devi W/O Bhola Thakur R/O Village- Hariharpur, P.S- Kamtaul, Distt.- Darbhanga.
3. Anshu Kumari D/O Bhola Thakur R/O Village- Hariharpur, P.S- Kamtaul, Distt.- Darbhanga.
4. Vikky Thakur @ Bikky Thakur S/O Bhola Thakur R/O Village- Hariharpur, P.S- Kamtaul, Distt.- Darbhanga.
5. Nikki Kumari D/O Bhola Thakur R/O Village- Hariharpur, P.S- Kamtaul, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Thakur, Adv.

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-11-2023 Heard Mr. Abhay Kumar Thakur, learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Kamtaul P.S. Case No. 91 of 2020, registered for the offences punishable under Sections 147, 149, 341, 323, 324, 308, 379, 504, 506 of the Indian Penal Code.

3. The petitioners were allegedly making construction over the land of the informant and when the objection was made, the petitioners and others by making unlawful assembly abused and assaulted the informant and his family members. It is further alleged that the accused persons also snatched away



the valuables.

4. It is submitted on behalf of the petitioners that from the FIR it is evident that there is land dispute between the parties, resulting into case and counter case being Kamtaul P.S. Case No. 90 of 2020, which is earlier in point of time to the present case. He also submits that though the occurrence took place on 24.04.2023 but the FIR has been instituted on 26.04.2023, i.e, after a delay of two days, but without assigning any explanation. He next submits that there is omnibus nature of allegation against the petitioners and, moreover, considering the aforesaid fact the petitioners have been allowed the privilege of Section 41(1) of the Cr.P.C. However, subsequent thereto, the police submitted chargesheet and cognizance has been taken and thus the necessity of the present anticipatory bail. He further drew the attention of this Court to the application filed by the petitioner no. 1 showing defiance of the decision of the Gram Kutchery by the informant. He next submits that it is the informant and his family members who are not obeying the order of the authorities and getting the measurement of the land done due to which a free-fight has taken place between the persons of both the sides, wherein persons of the petitioners' side have also sustained injuries. He next submits that the



petitioners are persons of fair antecedent and they undertake that they will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the case and counter case and the delay in lodging of the FIR, coupled with the fair antecedent and the genesis of the occurrence, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Darbhanga in connection with Kamtaul P.S. Case No. 91 of 2020, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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