

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75794 of 2023

Arising Out of PS. Case No.-532 Year-2023 Thana- ARARIA District- Araria

1. Amar Thakur @ Amar Kumar Thakur S/O- Ram Prasad Thakur R/O- Village- Diyari, Ward No.- 09, P.S.- Araria, Dist.- Araria.
2. Pankaj Kumar Thakur @ Pankaj Thakur S/O- Ram Prasad Thakur R/O- Village- Diyari, Ward No.- 09, P.S.- Araria, Dist.- Araria.
3. Ram Prasad Thakur S/O- Late Ferbi Thakur R/O- Village- Diyari, Ward No.- 09, P.S.- Araria, Dist.- Araria.
4. Sheela Devi W/O- Ram Prasad Thakur R/O- Village- Diyari, Ward No.- 09, P.S.- Araria, Dist.- Araria.
5. Rajmani Devi @ Sajmani Devi W/O- Amar Thakur R/O- Village- Diyari, Ward No.- 09, P.S.- Araria, Dist.- Araria.

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 75829 of 2023

Arising Out of PS. Case No.-532 Year-2023 Thana- ARARIA District- Araria

1. Parvati Devi Wife Of Sarnu Thakur Resident Of Village- Diyari, Ward No 09, Ps- Araria Distt- Araria
2. Doli Devi Wife Of Kamal Thakur Resident Of Village- Diyari, Ward No 09, Ps- Araria Distt- Araria
3. Sarnu Thakur Son Of Karu Thakur Resident Of Village- Diyari, Ward No 09, Ps- Araria Distt- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 75794 of 2023)

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

For the Informant : Mr. Mukesh Kumar Rana, Advocate

(In CRIMINAL MISCELLANEOUS No. 75829 of 2023)

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate

Mr. Anil Pd. Singh, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

For the Informant : Mr. Mukesh Kumar Rana, Advocate



CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2023 Heard Mr. Vijay Kishore Bharti, learned counsel for the petitioners, Mr. Mukesh Kumar Rana, learned counsel appearing on behalf of the informant as well as Mr. Chandra Bhushan Prasad, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Araria P.S. Case No. 532 of 2023, F.I.R. dated 31.05.2023 for the offences punishable under Sections 147, 148, 149, 447, 341, 323, 307, 302, 337, 379, 504 and 506 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners have assaulted the informant and his family members. It is further alleged that one co-accused, Kamal Thakur has assaulted the informant's father on his head by means of iron rod resulting into his death.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R that there is admitted land dispute between the parties due to which the present occurrence has taken place. He further submits that as per the allegation in the F.I.R all the



petitioners have assaulted the family members of the informant. He further submits that the F.I.R is in two parts, according to part one there is general and omnibus allegation against all the accused persons including the petitioners and according to part two, there is specific allegation against the co-accused, namely, Kamal Thakur who has assaulted the father of the informant who died during the course of treatment. He further submits that there is no allegation of assault or overt act attributed against these petitioners except the petitioner, namely, Doli Devi who has assaulted to Sunita Devi who is wife of the informant.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that the petitioners are named in the F.I.R and they have assaulted the family members of the informant.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with



Araria P.S. Case No. 532 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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