

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74346 of 2022

Arising Out of PS. Case No.-395 Year-2022 Thana- SUGAULI District- East Champaran

MANOJ THAKUR S/O LATE AWDHESH BIHARI THAKUR Resident of
village- Chhagraha Banjari Tola, P.S.- Sugauli, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-04-2023 Heard the parties.

The petitioner is in custody since 01.09.2022 in connection with Sugauli P.S. Case No. 395 of 2022 under Sections 341, 323, 324, 307, 379, 504 and 34 of the Indian Penal Code lodged on 30.08.2022 by the informant Diwakar Kumar.

The prosecution story, in brief, is that the Informant Diwakar Kumar submitted one written report before the S.H.O. Sugauli P.S. on 30/08/2022 stating that his neighbor Manoj Thakur (Petitioner), Ramesh Thakur, his wife and mother, armed with 'Lathi', 'Danda' and 'Farsa' attacked his house. Manoj Thakur gave 'Farsa' blow on the head of the informant causing injury. Thereafter, all the accused persons assaulted his family



members by 'Lathi' and 'Danda'. It is also alleged that they robbed rupees 5000/- along with some items from the shop adjacent to the house. Accused Ramesh Thakur snatched gold chain from his sister.

It has been contended by the learned counsel for the petitioner that in the said occurrence, there is case and counter-case and although, the allegation against the petitioner is of giving injury on the head, as per the observation in the medical report, no opinion has been given whether the same is simple or grievous rather the same was reserved. He submits that bare perusal of the report shows that the same seems to be superficial in nature.

The last submission is that irrespective outcome of the present petition as also accepting the allegation, the petitioner on his own would like to contribute Rs. 15,000/- towards medical treatment of the injured to be paid before the concerned court.

Learned APP opposes the prayer for bail and concede that no opinion has been given regarding injury.

Considering the fact that there is a case and counter-case in the matter, as per medical report, there is no opinion, the petitioner is in custody since 01.09.2022 (as stated in para- 12 of



the petition) and he do not have criminal antecedent, this Court is inclined to grant him the privilege of bail subject to payment of Rs. 15,000/- as stated above.

Let the petitioners namely be released on bail, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihar, East Champaran, in connection with Sugauli P.S. Case No. 395 of 2022 with conditions.

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

(ii) the petitioner 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 his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for one year to mark his attendance;

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



(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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