

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74635 of 2022

Arising Out of PS. Case No.-416 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Bashishtha Narayan Thakur @ Vashishta Narayan Thakur Son Of Late Ram Swarth Thakur Resident Of Village - Ramnathpur, Chhatauna, P.S.- Muffasil (samastipur), District - Samastipur
 2. Rupak Kumar Son Of Satish Thakur Resident Of Village - Ramnathpur, Chhatauna, P.S.- Muffasil (samastipur), District - Samastipur
 3. Pushpam Kumar Son Of Pankaj Kumar Thakur Resident Of Village - Ramnathpur, Chhatauna, P.S.- Muffasil (samastipur), District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-04-2023 Heard Mr. Mukesh Kumar, learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor for the State.

Three petitioners who are apprehending their arrest in connection with Samastipur (Muffasil) P.S. Case No. 416 of 2020, registered for the offences punishable under Sections 504, 447, 324, 34, 323, 379, 341, 307 of the Indian Penal Code.

Allegedly, while the informant was sitting at his door, all the accused persons, including the petitioners, armed with weapons came there and started abusing. On protest being made, the accused persons, including the petitioners, brutally



assaulted the informant and family members due to which three persons sustained injuries.

Submission has been made on behalf of the petitioner that the police, after investigation, submitted final report excluding Section 307 of the Indian Penal Code and considering the aforesaid fact, they were enlarged on police bail. However, later on the learned Judicial Magistrate, after differing with the final form, took cognizance under Section 307 of the Indian Penal Code and summons have been issued, hence the anticipatory bail. It is next submitted that the petitioners are having fair antecedent and, moreover, the injuries which are allegedly sustained on the injured persons they are found to be simple in nature, the copies of injury report has been brought on record by way of Annexure-2 series.

On the other hand, learned counsel for the State opposed the bail application and submits that three persons have sustained injuries and the report of the CT scan has not been submitted till date, hence the opinion of some of the injuries have been kept reserved.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners were all along on police bail till cognizance is taken under Section



307 of the Indian Penal Code along with other offences, coupled with the fair antecedent, 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 A.C.J.M.- II, Samastipur in connection with Samastipur (Muffasil) P.S. Case No. 416 of 2020, subject to the conditions laid down in Section 438(2) Cr.P.C.

(Harish Kumar, J)

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