

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9758 of 2024**

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

1. Parwati Devi Wife of Surendra Thakur, Resident of Village- Diyari, Ward No. 9, P.S.- Araria, District- Araria.
2. Surendra Thakur Son of Mahavir Thakur, Resident of Village- Diyari, Ward No. 9, P.S.- Araria, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      20-02-2024                      Heard Mr. Mrigendra Kumar, the learned counsel  
for the petitioners and Mr. Jharkhandi Upadhyay, the learned  
Additional Public Prosecutor for the State.

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

3.                      According to prosecution case, the co-accused  
persons assaulted the family members of the informant. It is  
further alleged that one Kamal Thakur gave an iron-rod blow on  
the hand of informant's father due to which he sustained



grievous injury. It is further alleged that co-accused Doli Devi assaulted at the head of the informant's wife due to which she sustained injury.

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 upon perusal of the FIR, it appears that due to admitted land dispute the present occurrence has taken place and the FIR is in two parts, in the first part there is general and omnibus allegations against all the accused persons including the petitioners and in the second part there is specific allegation of assault attributed against the co-accused person namely, Kamal Thakur, who has assaulted the father of the informant, who died during the course of treatment and there is also allegation against the co-accused Doli Devi, who has assaulted Sunita Devi, who is wife of the informant and there is no specific allegation of assault or any overt act against the petitioners. He further submits that co-accused persons namely, Amar Thakur @ Amar Kumar Thakur and others and Parvati Devi and others have been granted anticipatory bail by this Court vide order dated 29.11.2023 passed in Cr. Misc. No. 75794 of 2023 and Cr. Misc. No. 75829 of 2023 respectively.



5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that the petitioners have clean antecedent and similarly situated co-accused persons have been granted anticipatory bail, let the petitioners, above-named, in the event of their arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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, where the case is pending in connection with **Araria PS Case No. 532 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the 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 tamper 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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