

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20804 of 2024

Arising Out of PS. Case No.-346 Year-2023 Thana- BABUBARHI District- Madhubani

1. Shankar Thakur Son Of Baidyanath Thakur R/O Vill-Madhawapur, Bairiya, Ps-Babubarhi, Dist-Madhubani
2. Baidyanath Thakur Son Of Late Raghubir Thakur @ Raghobir Thakur R/O Vill-Madhawapur, Bairiya, Ps-Babubarhi, Dist-Madhubani
3. Laldai Devi Wife Of Baidyanath Thakur R/O Vill-Madhawapur, Bairiya, Ps-Babubarhi, Dist-Madhubani
4. Rupa Devi @ Rupa Kumari Wife Of Pappu Thakur R/O Vill-Madhawapur, Bairiya, Ps-Babubarhi, Dist-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2024 Heard Mr. Subhash Kumar Jha, learned counsel for the petitioners as well as Mr. Anil Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Babubarhi P.S. Case No. 346 of 2023, F.I.R. dated 01.11.2023 for the offences punishable under Sections 453, 341, 323, 354B, 143, 324, 307, 379 and 427 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners have brutally assaulted the



informant and her family members and also snatched her Mangal Sutra and chain from the neck of her sister-in-law.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that the present case is the counter blast of Babubarhi P.S. Case No. 250 of 2020 filed by the petitioner no. 2 against the informant and her family members. He further submits that the F.I.R is in two parts, according to part one there is specific allegation against petitioner no. 1 that he has assaulted the informant on his h and and according to part two, there is no specific allegation against the petitioner nos. 2, 3 and 4 rather there is general and omnibus allegation against petitioner nos. 2, 3 and 4. He further submits that although the informant has received injury but the injury report suggests that the injury is simple in nature caused by hard and blunt substance.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that it appears from the F.I.R that the petitioners have actively participated in the present occurrence and apart from that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the



bail petition that the petitioner is on bail in the pending matter.

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 Additional Chief Judicial Magistrate 6th, Madhubani in connection with Babubarhi P.S. Case No. 346 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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