

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36842 of 2024**

Arising Out of PS. Case No.-403 Year-2023 Thana- KARJA District- Muzaffarpur

1. Santosh Thakur @ Santosh Kumar Thakur S/o Shambhu Thakur R/O VILLAGE- BADKAGAON P.S - KARJA DIST. - MUZAFFARPUR BIHAR
2. Shambhu Thakur S/o Late Anandi Thakur R/O VILLAGE BADKAGAON P.S KARJA DIST. MUZAFFARPUR BIHAR
3. Mantosh Kumar @ mantosh kumar thakur S/o Shambhu Thakur R/O VILLAGE BADKAGAON P.S KARJA DIST. MUZAFFARPUR BIHAR
4. Manish Kumar S/o Shambhu Thakur R/O VILLAGE BADKAGAON P.S KARJA DIST. MUZAFFARPUR BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Surendra Kumar Singh

For the Opposite Party/s : Mr. Ajay Kumar Jha

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**

ORAL ORDER

2      27-06-2024                      1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 379 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioner nos. 1, 3 and 4 are sons of petitioner no.2 and the entire family stands falsely implicated by the informant in the instant case with an ulterior motive. It is also submitted that petitioners are persons with clean antecedent. It is next submitted that petitioner no.2 is son of late Anandi Thakur who



died on 23.09.1967, as such the petitioner nos. 1, 3 and 4 are grand-sons of late Anandi Thakur.

4. Learned counsel for the petitioners further submits that brother of the informant namely Niraj is a land mafia. It is also submitted that brother of the informant relying on a sale deed of the Year 1991 had applied for mutation of certain land in the Year 2023. It is next submitted that the sale deed of the Year 1991 is said to have been executed by Anandi Thakur in favour of Niraj. Learned counsel for the petitioners further submits that since Anandi Thakur had died on 23.09.1967 as such the sale deed of the Year 1991 was nothing but a sham document and based on the sham document Niraj had the audacity to seek mutation of the lands. The petitioners came to know that Niraj based on forged and fabricated sale deed had applied for mutation before the Circle Officer. Accordingly, the petitioners appeared and objected the mutation application which came to be rejected by the Circle Officer. It is further submitted that Karja P.S. Case No. 407 dated 27.11.2023 was instituted by the wife of petitioner no.2 against Niraj and others.

5. Learned counsel for the petitioners submits that from perusal of the allegations as alleged in the instant FIR it would manifest that the same does not inspire confidence for the



reason that the informant alleges that on 21.11.2023 his brother (Niraj) had gone to a hardware shop with Rs. 22,000/- in cash for making some purchase when seven named and 10-12 unknown accused came and caught him and thereafter petitioner no.1 is alleged to have tied a rope around his neck and started to drag him and thereafter petitioner no.2 along with Nilesch and Vikash assaulted his brother by an iron rod all over his body and thereafter petitioner no.2 snatched Rs. 22,000/- from his brother. It is submitted that it absolutely does not stand to reason that petitioner no.2 who is a senior citizen and has remained a person with clean antecedent all throughout would go to a market place and commit such occurrence. It is next submitted that since the misdeeds of Niraj came to the notice of the petitioners as such in order to falsely implicate them his brother instituted the instant case.

6. It is further submitted that no doubt from perusal of the injury report it would manifest that 18 injuries were suffered by Niraj but then the nature of injury suffered does not appear to have been caused by assault by iron rod rather it appears that Niraj met with some minor accident leading to such injury or the injury report appears to be manipulated for the reason that only injury no. 16 i.e., R hand swelling c minor scratch noted on



proximal digit of index & middle finger is said to be grievous. It is next submitted that petitioners are not criminals.

7. Learned A.P.P. for the State submits that in the event if the petitioners are granted the privilege of anticipatory bail the petitioners may abscond or tamper with the evidence on which the learned counsel for the petitioners submits that petitioners will not abscond rather will cooperate in the investigation.

8. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Karja P.S. Case No. 403 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

**(Satyavrat Verma, J)**

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