

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37281 of 2024

Arising Out of PS. Case No.-739 Year-2022 Thana- BIKRAMGANJ District- Rohtas

Kundan Kumar Thakur Sambhu Nath Thakur Resident of Village-
Bhagwanpur, P.S.- Sarairanjan, Dist.- Samastipur

... .. Petitioner

Versus

The State of Bihar Patna

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Rakesh Kumar Mishra, Adv
For the Opposite Party	:	Mr. Chandra Bhushan Prasad, APP
For the Informant	:	Mr. Birendra Kumar Singh, Adv
		Mr. Ragwendra Pratap Singh, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 27-09-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bikramganj P.S. Case No. 739 of 2022 dated 27.12.2022 registered for the offences punishable under Sections 448, 323, 379, 307 and 504/34 of the I.P.C.

3. As per the prosecution case, on 27.12.2022 at about 7.00 P.M., while the renter Nitu Kumari, wife of the petitioner Kundan Kumar Thakur, was abusing the informant, in the meantime, the informant's husband came there, then the petitioner Kundan Kumar Thakur and his servant Pintu entered



her room and started abusing and assaulting her and her husband. It is further alleged that Nagendra Singh and Pintu having an iron rod and the petitioner Kundan Kumar Thakur having pistol assaulted on his face due to which blood was coming out from his nose and mouth, and Pintu Kumar was trying to snatch the golden chain. On protest, the petitioner Kundan Kumar Thakur assaulted on his head and face with the butt, due to which, she fell down and when she became conscious then she found herself at Bikramganj P.S. and her husband also sustained injury in his head.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is a case and counter case between the parties. Learned counsel has submitted that the injury of the informant's husband is simple in nature. The other co-accused person has already been granted bail by this court *vide* order dated 18.03.2024 passed in Cr. Misc. No. 52647/2023. The petitioner and the husband of the informant are bank officials and they are renters in the same house. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State learned counsel for the informant have vehemently opposed the prayer for anticipatory



bail of the petitioner. As per para. 17 of the case diary, the injury of the informant is grievous in nature. The specific allegation of assault is against the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the injury being grievous in nature and the specific allegation against the petitioner, I am of the view that no case for grant of anticipatory bail is made out. The petition is rejected and the petitioner is directed to surrender to the Court below within six weeks from the date of this order and the Court below may consider the prayer of the bail of the petitioner in accordance with law without being prejudice by this order.

(Chandra Prakash Singh, J)

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