

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43030 of 2024

Arising Out of PS. Case No.-601 Year-2023 Thana- JHAJHA District- Jamui

1. Vijay Thakur Son of Nageshwar Thakur Village- Oriya, Ps- Jhajha Dist- Jamui
2. Gopal Thakur Son of Nageshwar Thakur Village- Oriya, Ps- Jhajha Dist- Jamui
3. Vivek Thakur @ Bivak Kumar Son of Late Gopal Thakur Village- Oriya, Ps- Jhajha Dist- Jamui
4. Ramu Thakur Son of Nageshwar Thakur Village- Oriya, Ps- Jhajha Dist- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend arrest in connection with Jhajha P.S. case No. 601 of 2023 instituted for the offences under Sections 147, 148, 149, 341, 323, 324, 307, 325, 504 and 506 of the Indian Penal Code.

3. Prosecution story, in short, is that on the alleged date and time of occurrence, all the accused persons including these petitioners armed with weapons came at the door of the informant and started abusing him. It is further alleged that



petitioner no.1 assaulted Manoj Thakur (brother of the informant) by iron rod on his forehead. It is further alleged that petitioner no.4 also assaulted him on his head by sword and petitioner no.3 assaulted him by iron rod on his hand and leg.

4. Learned counsel for the petitioners submitted that petitioners have falsely been implicated in the present case. Learned counsel for the petitioners submits that general and omnibus allegation has been made against these petitioners. Learned counsel further submitted that petitioner no.1, assaulted Manoj Thakur on his forehead by iron rod, petitioner no.3 assaulted also assaulted him on his hand and leg by iron rod, whereas petitioner no.4 assaulted him on his head by sword. Learned counsel further submitted that there is general and omnibus allegation against petitioner no.2. Learned counsel further submitted that both the parties are own *gotias* and there is admitted land dispute between them. Learned counsel further submitted that as per injury report of the injured Manoj Thakur, opinion is reserved. It has been submitted on behalf of the petitioners that the petitioner nos. 1 and 2 have one criminal antecedent each and so far as petitioner nos. 3 and 4 are concerned, they both have no criminal antecedent.

5. Learned A.P.P. for the State has vehemently



opposed the prayer for grant of bail to the petitioners and submitted that there is specific allegation of assaulting one, Manoj Kumar against these petitioners and, therefore, they do not deserve the privilege of bail.

6. Having considered the rival contentions of both the parties and the material placed on record, this Court is inclined to grant bail to petitioner no.2, as no any specific allegation of assault is attributed to him, and so far as petitioner nos. 1, 3 and 4 are concerned, there is specific allegation of assaulting the one Manoj Thakur and, therefore, this Court is not inclined to grant bail to the petitioner nos. 1, 3 and 4.

7. Accordingly, the prayer for grant of bail to petitioner no.2 namely, namely Gopal Thakur is allowed, however, the prayer for grant of bail to **petitioner nos. 1, 3 and 4**, namely, Vijay Thakur, Vivek Thakur and Ramu Thakur, is **rejected**. However, liberty is given to the petitioner nos. 1, 3 and 4 to surrender before the learned Court below and, thereafter seek regular bail before the learned Court below itself, and the learned Court below shall consider the same without being prejudiced by this order.

8. Let the **petitioner no.2, namely Gopal Thakur** in the event of arrest/surrender before the lower court within a



period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Jhajha P.S. case No. 601 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

Alok Verma/-

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