

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49826 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- BAHERA District- Darbhanga

1. Sudhir Thakur @ Sudhir Kumar Thakur SON OF LATE SATYA NARAYAN THAKUR @ LATE SAJJAN THAKUR VILL -MAJHAURA P.S- BAHERA DISTT- DARBHANGA
2. MANOJ KUMAR THAKUR SON OF LATE MAHESH NARAYAN THAKUR @ LATE MAHESH THAKUR VILL -MAJHAURA P.S- BAHERA DISTT- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kedar Jha

For the Opposite Party/s : Mr. Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 28-08-2024 1. Heard learned Counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Bahera Police Station Case No. 06 of 2024, disclosing offences under Sections 341, 323, 325, 448, 379, 384, 308, 504, 506, 34 of the Indian Penal Code.

3. As per the First Information Report, on 26.12.2023, in the night, at about 10:00 pm, the petitioners along with other accused persons came armed with the lethal weapons and asked the informant to open the gate. When the informant opened the gate, they asked money from the informant and petitioner no. 2 assaulted the informant by butt of the pistol and petitioner no. 1 along with Raghbendar Thakur tied *gamcha* on the neck of the



informant. They also took away Rs. 1,13,000/- from the informant.

4. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in the present case on the basis of concocted story. The petitioner has not committed any offence in the manner alleged and the fact of the matter is that in the night of the date of occurrence, the informant was beating his mother which was objected by the co-accused Raghbendar Thakur and Vijay Thakur who happens to be the uncle and grandfather of the informant. The petitioners are agnates of the informant and they went to pacify the matter. The allegation of taking away the money is also not correct. The doctor has treated the informant and has found swelling and tenderness over little finger which is grievous in nature and no injury on the head has been found which would be evident from the injury report. There is delay of ten days in lodging the FIR as the occurrence took place on 26.12.2023 and the FIR was lodged on 05.01.2024.

5. Learned counsel for the informant vehemently opposes the prayer for bail and submits that all the accused persons assaulted the informant severely. They took away his money. The doctor has found the injury on the little finger of the



informant as grievous and there was tenderness in the neck of the informant.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that the co-accused persons are closely related to the informant, the injury caused to the informant is not on the vital part of the body, there is no injury found on the head of the informant, there is a delay of ten days in lodging the FIR, I am inclined to grant the petitioners privilege of anticipatory bail.

7. This application is, accordingly, allowed.

8. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Benipur, Darbhanga, in connection with Bahera Police Station Case No. 06 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

HarshPandey/-

U			
---	--	--	--

