

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49541 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- KAMTAUL District- Darbhanga

SANTOSH THAKUR Son of Sri Raj Nandan Thakur Resident of village -
Sotiya Brahampur East, P.S. - Kamtaul, Distt. - Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv. Mr. Ritwik Thakur, Adv. Mrs. Vaishnavi Singh, Adv.
For the informant	:	Mr. Deepak Kumar, Adv.
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 05-03-2024 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 a case in connection with Kamtaul P.S. Case No. 09 of 2023 dated 11.01.2023 registered for the offences punishable u/ss 341, 323, 324, 307 read with section 34 of the Indian Penal Code.

3. As per the prosecution case, the informant's son went to see his field situated besides his orchard and he was talking on his mobile adjacent to orchard, the accused persons namely, Raj Nandan Thakur, Santosh Thakur (petitioner), Dhiraj Thakur and Leela Devi armed with axe, *tengri* and spade came



there and ordered to assault him. It is alleged that all the accused persons caught the informant's son and thereafter the petitioner assaulted on his head with back portion of spade which hit his temple and on the effect of said blow, the victim fell down on the ground. The accused persons, Raj Nandan Thakur and Dhiraj Kumar started assaulting the victim with *tengari* and axe. When the informant's son got unconscious then the accused persons left him there and fled away from the place of occurrence. Thereafter, the informant's son was taken to the hospital for treatment.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The occurrence took place on 02.01.2023 but the alleged fardbeyan was allegedly recorded on 09.01.2023 and there is no explanation for the same. There is a case and counter case between the parties. It is further submitted that the petitioner has no concern with the alleged offence. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the anticipatory bail petition of the petitioner and submitted that the allegation



against the petitioner of assaulting the informant’s son with back portion of spade with intention to commit his murder. He has further submitted that the injury of injured is grievous in nature caused by hard and blunt substance which is on vital part. The petitioner had intention to kill the informant’s son.

6. Considering the aforesaid facts and circumstances of the case as well as the grievous injury 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 shall consider the prayer of bail of the petitioner without being prejudiced by this order.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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