

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52647 of 2023

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

1. Kundan Kumar Thakur, Male, aged about 30 years, Son Of Shambhu Thakur, Resident Of Village- Bhagwatpur, P.S.- Sarairanjan, Dist- Samastipur, Bihar 848101
2. Nagendra Singh, Male, aged about 39 years, Son Of Late Ramakant Singh, Resident Of Village- Kaimur, P.S.- Suryapura, Dist- Rohtas, Bihar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Piyush Kumar Pandey, Advocate
For the Opposite Party	:	Mr. Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 18-03-2024 Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application filed on behalf of the petitioner no.1, namely, Kundan Kumar Thakur, in connection with Bikramganj P.S. Case No. 739 of 2022, pending in the court of learned Chief Judicial Magistrate, Rohtas at Sasaram.

2. Permission is accorded.

3. Accordingly, the anticipatory bail application filed on behalf of the petitioner no. 1, namely, Kundan Kumar Thakur, is dismissed as withdrawn.

4. Heard learned counsel for the petitioner no. 2 and learned Additional Public Prosecutor for the State.



5. The petitioner no. 2 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.

6. As per the prosecution case, on 27.12.2022 at about 7.00 P.M., while the renter Nitu Kumari, wife of the co-accused Kundan Kumar Thakur, was abusing the informant, in the meantime, her husband came there the co-accused 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 (petitioner no. 2) and Pintu having an iron rod and the co-accused 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 co-accused 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 on his head.

7. Learned counsel for the petitioner no. 2 has submitted that he is innocent and has been falsely implicated in this case. It is submitted that the co-accused Kundan Kumar



Thakur and the husband of the informant are bank officials and they are the renters in the same house and there was previous quarrels between them. There is general and omnibus allegation against him. It is further submitted that there is case and counter case between the parties. The wife of the co-accused Kundan Kumar Thakur had lodged Bikramganj P.S. Case No. 740 of 2022 against the informant's husband under Sections 448, 323, 354B, 307 and 506/34 of the I.P.C. on 27.12.2022 who had tried to molest her and when she tried to make hue and cry, he grabbed her hair and smashed her on the ground, as a result of which, she sustained injuries on her head and she fainted due to the injuries on the head. It is further submitted that the injuries found on the informant is grievous in nature and whereas nature of the injuries found on her husband is simple in nature. The petitioner no. 2 has clean antecedent as stated in paragraph no. 3 of the bail application.

8. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner no. 2.

9. Considering the aforesaid facts and circumstances of the case, let the above named petitioner no. 2 (except petitioner no. 1, namely, Kundan Kumar Thakur), in the event of his arrest/surrender within a period of six weeks from today, be



enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram, in connection with Bikramganj P.S. Case No. 739 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

10. The application stands allowed.

(Chandra Prakash Singh, J)

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