

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50765 of 2024

Arising Out of PS. Case No.-422 Year-2023 Thana- PAHARPUR District- East Champaran

1. Dashrath Thakur @ Dashrath Sharma S/O Nathuni Thakur R/O Village- Banjari Patti, P.S- Paharpur, Distt.- East Champaran.
2. Kishori Thakur S/O Nathuni Thakur R/O Village- Banjari Patti, P.S- Paharpur, Distt.- East Champaran.
3. Sunil Kumar S/O Kishori Thakur R/O Village- Banjari Patti, P.S- Paharpur, Distt.- East Champaran.
4. Parash Thakur @ Paras Thakur S/O Nathuni Thakur R/O Village- Banjari Patti, P.S- Paharpur, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 21-09-2024 Heard Learned Counsel for the petitioners, Learned
APP for the State and Learned Counsel for the informant.

2. Learned Counsel for the petitioners submits that petitioner no.1 has been arrested, therefore, the present bail application has become infructuous for petitioner no.1. Counsel further submits that for petitioner no.4, he is not pursuing the present bail application and with the permission of the Court, he is only pursuing the present anticipatory bail application for petitioner nos.2 and 3 only.

3. The petitioner nos.2 and 3 are apprehending their



arrest in connection with Paharpur P.S. Case No. 422 of 2023 dated 19.10.2023, lodged under Sections 341, 342, 323, 324, 325, 307, 379, 504, 506, 34 of the Indian Penal Code.

4. As per the prosecution, FIR has been lodged against seven named accused persons including the present petitioner nos.2 and 3 against whom there is an allegation that they have assaulted the informant and her husband due to which they sustained injuries.

5. Learned Counsel for the petitioners submits that petitioner nos.2 and 3 are innocent and have committed no offence. Counsel also submits that the specific allegation is against petitioner no.1 who gave *farsa* blow on the head of the informant and her husband who has been arrested. Counsel submits that petitioner no.4 has assaulted the informant's husband with iron rod due to which he sustained injury which is grievous in nature and for these two petitioners i.e. petitioner no.1 and petitioner no.4, counsel is not demanding anticipatory bail. Counsel further submits that allegation against petitioner no.2 is that he has assaulted the informant's husband with *bhala* and petitioner no.3 has assaulted the informant's son by knife on his right arm.

6. Learned Counsel for the petitioners further submits



that both the informant and petitioners are resident of same village and from the contents of the FIR, it transpires that the dispute has arisen due to construction of boundary wall of the land and injury has been caused to both the sides which is apparent from Annexure-1 and 2. Counsel submits that for the same date and place of occurrence, there is case and counter case filed by both the parties i.e. one case has been lodged from the informant's side bearing Paharpur P.S. Case No. 422 of 2023 and one case has been lodged from the petitioners side bearing Paharpur P.S. Case No. 423 of 2023. Counsel further submits that the criminal antecedent of the petitioner nos.2 and 3 are clean and they are ready to fulfill all the conditions whatsoever shall be imposed upon them.

7. Learned APP for the State opposes the prayer for bail of the petitioner nos.2 and 3.

8. Learned Counsel for the informant vehemently opposes the prayer for bail of the petitioner nos.2 and 3 and submits that there is specific allegation of assault against these two petitioners also and he admits that the injury caused by one of the petitioner is simple in nature.

9. After hearing the arguments of both the parties and upon perusal of the records, it transpires to this Court that the



fight has taken place from both the sides for construction of boundary wall on the land due to which injury has been caused to the parties.

10. As such, considering the aforesaid facts and circumstances, let the above named petitioner nos.2 and 3 be released on bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (thirty thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, East Champaran at Motihari, in connection with Paharpur P.S. Case No. 422 of 2023, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dr. Anshuman, J)

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