

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53891 of 2024

Arising Out of PS. Case No.-266 Year-2023 Thana- KUMAR KHAND District- Madhepura

1. Vijay Kumar Thakur @ Vijay Thakur Son Of Deep Narayan Thakur Resident Of Village- Gadhiya Ward No. 10, P.S.- Kumarkhand, Distt.- Madhepura
2. Kanchan Devi Wife Of Vijay Kumar Thakur Resident Of Village- Gadhiya Ward No. 10, P.S.- Kumarkhand, Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Adv.
For the Opposite Party/s : Mr. Mohammad Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 27-09-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Kumarkhand P.S. Case No.266 of 2023 registered for the alleged offences under Section 341, 323, 307, 379, 504, 506 and 34 of the Indian Penal Code.

03. As per prosecution case, petitioners and co-accused brother of petitioner no. 1 in the background of land dispute assaulted their parents causing injuries to them. The co-accused snatched Rs. 70,000/- from his informant father.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is no allegation against the petitioners for assaulting



the informant on his head as the said allegation is on the co-accused Ravi Kumar Thakur. The allegation against petitioner no. 1 is of assault by lathi on his mother but there is no such injury as the injury of mother of the petitioner no. 1 is stated to be body ache and swelling. There is no specific allegation against petitioner no. 2. Co-accused Ravi Kumar Thakur has been granted regular bail *vide* order dated 09.11.2023 passed in Cr. Misc. No. 71241 of 2023. Learned counsel further submits that the informant has compromised the matter with the petitioners and a compromise petition is being filed before the learned trial court. The petitioners are having clean antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioners.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the non-serious nature of allegation against the petitioners and absence of any serious injury on the victims and no allegation on this account against the petitioner, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Court of J.M.-1st Class Madhepura in connection with



Kumarkhand P.S. Case No.266 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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