

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73153 of 2024

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

Dashrath Thakur S/O Nathuni Thakur R/O Village- Banjaripatti, P.S-
Paharpur, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwari, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 05-12-2024 Heard Learned Counsel for the petitioner, Learned
A.P.P. for the State and Learned Counsel for the Informant.

2. The petitioner seeks regular bail in connection with
Paharpur P.S. Case No. 422 of 2023, lodged on 19.10.2023,
under Sections 341, 342, 323, 324, 325, 307, 379, 504 and
506/34 of the Indian Penal Code.

3. As per the prosecution, the F.I.R. has been lodged
against seven named accused persons including the present
petitioner against whom there is specific allegation of making a
farsa blow on the head of the informant as well as on her
husband.

4. Learned Counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
submits that prior to his anticipatory bail he was apprehended by



the police, as such, his anticipatory bail application became infructuous. Counsel further submits that there is case and counter-case and the present case has been lodged with a view to take revenge. Counsel further submits that the injury report is annexed as Annexure-P/3, which suggests that some injuries are simple in nature and some injuries are grievous in nature caused by hard and blunt substance. Counsel further submits that a scuffle took place from both the sides. Counsel further submits that some of the co-accused persons have already been granted anticipatory bail by this Court vide order dated 21.09.2024 passed in Cr. Misc. No. 50765 of 2024. Counsel also submits that the criminal antecedent of the petitioner is clean and he is in custody since 06.08.2024.

5. Learned Counsel for the State opposes the prayer for bail and submits that the specific allegation is against the petitioner.

6. Learned Counsel for the Informant vehemently opposes the prayer for bail and submits that from the injury report, it is evident that the petitioner caused injuries on the head of the informant and her husband. Counsel further submits that the injury sustained by the informant is simple in nature, while the injury sustained by her husband is grievous.



7. By the specific query of the Court, whether the charge has been framed or not, in response counsel for the petitioner submits that he is not aware about the fact whether the charge has been framed or not ?

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **after framing of charge, if not framed**, on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, East Champaran, Motihari in connection with Paharpur P.S. Case No. 422 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C.

(Dr. Anshuman, J)

Aman Kumar/-

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