

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74690 of 2024

Arising Out of PS. Case No.-601 Year-2023 Thana- JHAJHA District- Jamui

1. Vijay Thakur Son of Nageshwar Thakur Resident of Village-Auraiya, P.S. - Jhajha, District - Jamui
2. Ramu Thakur Son of Nageshwar Thakur Resident of Village-Auraiya, P.S. - Jhajha, District - Jamui
3. Vivek Thakur Son of Late Gopal Thakur Resident of Village-Auraiya, P.S. - Jhajha, District - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan Singh, Adv.
For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 30-10-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners have earlier moved before this Court with a prayer for anticipatory bail which was rejected vide order dated 26.06.2024 passed in Cr. Misc. No. 43030 of 2024.

3. The petitioners seek bail in connection with Jhajha P.S. case No. 601 of 2023 instituted for the offences under Sections 147, 148, 149, 341, 323, 324, 307, 325, 504 and 506 of the Indian Penal Code.

4. Prosecution story, in short, is that on the alleged date and time of occurrence, all the accused persons including



these petitioners armed with weapons came at the door of the informant and started abusing him. It is further alleged that petitioner no.1 assaulted Manoj Thakur (brother of the informant) by iron rod on his forehead. It is further alleged that petitioner no.2 also assaulted him on his head by sword and petitioner no.3 assaulted him by iron rod on his hand and leg.

5. Learned counsel for the petitioners submitted that petitioners have falsely been implicated in the present case. Learned counsel for the petitioners submits that general and omnibus allegation has been made against these petitioners. Learned counsel further submitted that petitioner no.1, assaulted Manoj Thakur on his forehead by iron rod, petitioner no.3 assaulted also assaulted him on his hand and leg by iron rod whereas petitioner no.2 assaulted him on his head by sword. Learned counsel further submitted that both the parties are own *gotias* and there is admitted land dispute between them. Learned counsel further submitted that as per injury report of the injured Manoj Thakur, opinion is reserved. It has been submitted on behalf of the petitioners that the petitioner nos. 1 and 2 have one criminal antecedent each and so far as petitioner nos. 3 is concerned, he has no criminal antecedent. The petitioners are languishing in custody since 03.08.2024.



6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners and submitted that there is specific allegation of assaulting one, Manoj Kumar against these petitioners and, therefore, they do not deserve the privilege of bail.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioners, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Jhajha P.S. case No. 601 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioners.

(ii) The petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.

(iii) If the petitioners tamper with the evidence or the



witnesses of the case by intimidating/pressurizing the witnesses,
during the investigation or trial, in that case, prosecution will be
at liberty to move for cancellation of bail of the petitioners.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

