

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78661 of 2024

Arising Out of PS. Case No.-30 Year-2024 Thana- Bahoranpur District- Bhojpur

1.

Prakash Thakur Son of Devanand Thakur Resident of Village- Gaura, Post Office- Gaura, P.S. Case NO. - Bihia, Distt.- Bhojpur at Ara
2.

Akash Kumar Thakur @ Akash Thakur Son of Devanand Thakur Resident of Village- Gaura, Post Office- Gaura, P.S. Case NO. - Bihia, Distt.- Bhojpur at Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Chandra
For the Opposite Party/s : Mr.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2

03-12-2024

1.

Learned Counsel for the petitioners informs that the petitioner no. 1, Prakash Thakur, has been arrested by the police during the pendency of this application and this application, so far as petitioner no. 1 is concerned, has become infructuous.

2.

Accordingly, this application, so far as petitioner no. 1, is concerned, is dismissed as having become infructuous.

3.

This application will now survive only for petitioner no. 2.

4.

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

5.

This application, for grant of anticipatory bail, arises out



of Bahoranpur Police Station Case No. 30 of 2024, dated 13.06.2024, disclosing offences punishable under Sections 341/323/307/325/354/379/504/506/34 of the Indian Penal Code.

6. The prosecution case, as per the First Information Report, is that on 13.06.2024 in the morning, the petitioner no. 2, along with other co-accused persons, demanded partition from the informant and when questioned by the informant, the petitioner no. 2 assaulted by butt of the rifle and his mother assaulted the wife and mother of the informant and co-accused Prakash Thakur abused and assaulted the informant's daughter.
7. Learned Counsel for the petitioner no. 2 submits that the petitioner has been made accused due to dispute regarding partition between the co-sharers. The informant and the petitioner are coparcener and neighbours. Referring to the impugned order, learned Counsel submits that the injuries caused to the victims are simple in nature.
8. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the nature of allegation and the fact that both the parties are coparcener, having partition dispute and injuries caused to



the victims are simple in nature, I am inclined to grant the petitioner no. 2 privilege of anticipatory bail.

9. This application is, accordingly, allowed.
10. Let the petitioner no. 2, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional Chief Judicial Magistrate, Bhojpur, at Ara, in connection with Bahoranpur Police Station Case No. 30 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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