

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82481 of 2024

Arising Out of PS. Case No.-106 Year-2024 Thana- BANJARIA District- East Champaran

Bhola Thakur Son Of Yamuna Thakur R/O Vill.- Mokhlishpur, P.S.-
Banjariya, District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Banjariya P.S. Case No. 106 of 2024, registered for the alleged offences under Sections 341, 323, 307, 354, 379, 504/34 of the Indian Penal Code.

03. As per prosecution case, the petitioner and other co-accused persons who were armed with *lathi* and legs of a chowki (*pasi*) assaulted the informant and her family members, causing a number of injuries to them. They also snatched a gold *mangalsutra* worth of Rs. 50,000/- from the sister-in-law of the informant.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. There is case and counter case and the petitioner's side has lodged Banjariya P.S. Case No. 107 of 2024 under Sections 341, 323, 504/34 of IPC against the informant side. Learned counsel further submits that it appears it is a case of free fight between two groups who are the co-sharers/agnates. The allegation against the petitioner is of giving *lathi* blow on the head of the mother-in-law of the informant repeatedly but the doctor has found only one injury on the head of the mother-in-law of the informant of small size 6cm x 2cm x 2cm. However, the nature of injury is stated to be the grievous. Learned counsel further submits that there is a land dispute between the parties and the occurrence took place in this background. The petitioner is in custody since 28.08.2024 and charge-sheet has been submitted. The petitioner has got no criminal history.

05. Learned APP for the State opposes the prayer for bail.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there appears no repetition of blow as alleged against this petitioner and further considering the clean antecedent and period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be



released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran in connection with Banjariya P.S. Case No. 106 of 2024, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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