

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85483 of 2023

Arising Out of PS. Case No.-418 Year-2019 Thana- BAHERA District- Darbhanga

1. Santosh Thakur Son of Late Kashi Kant Thakur Resident of Village - Sajhuar, P.S. - Bahera, District - Darbhanga
2. Pramod Thakur Son of Late Kashi Kant Thakur Resident of Village - Sajhuar, P.S. - Bahera, District - Darbhanga
3. Subodh Kumar Thakur @ Subodh Thakur Son of Late Kashi Kant Thakur Resident of Village - Sajhuar, P.S. - Bahera, District - Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Maruth Nath Roy, Advocate

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Bahera P.S. Case No. 418 of 2019, registered on 07.09.2019 for the offences under Sections 341, 323, 379, 307, 354, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons armed with *Farsa, Tangi, Lathi, Danda and Khanti* assaulted the informant and his family members causing a number of injuries to them.

4. Learned counsel for the petitioners submits that



the petitioners are innocent and have falsely been implicated in this case. The petitioners are all brothers and the police after investigation submitted charge sheet only against lady co-accused persons but the learned ACJM differing from the police report took cognizance against all the accused persons. The present case is counter blast of Bahera P.S. Case No. 376 of 2019 which was filed by the mother of the petitioners against the informant and others. The present case has been registered on account of previous enmity and no offence under Sections 307 and 354 of the IPC is made out. The injuries have been found to be simple caused and hard and blunt substance and no injury of any sharp cut weapon has been found. The petitioners have got no criminal antecedent.

5. Learned APP vehemently opposes the submission made on behalf of the petitioners. Learned APP submits that the present case has been lodged after a month of the case lodged by the mother of the petitioners and a number of injuries have been caused to the victims as is apparent from the rejection order of learned Sessions Judge, Darbhanga.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that initially the petitioners have not been sent up to face



trial by the police and further considering the possibility of false implication, 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 bonds of Rs.20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Benipur, Darbhanga/concerned court in connection with Bahera P.S. Case No. 418 of 2019, subject to the condition as 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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