

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6055 of 2024

Arising Out of PS. Case No.-370 Year-2023 Thana- LAXMIPUR District- Jamui

1. Chhotan Thakur Son of Late Puran Thakur Resident of Village- Mohanpur, P.S.- Laxmipur, District- Jamui.
2. Nitish Kumar @ Nitish Kumar Thakur Son of Chhotan Thakur Resident of Village- Mohanpur, P.S.- Laxmipur, District- Jamui.
3. Ajhola Devi @ Ajholiya Devi W/o- Chhotan Thakur Resident of Village- Mohanpur, P.S.- Laxmipur, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 17-02-2024 1. Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.
2. The accused/petitioners are named in F.I.R. and apprehending their arrest in connection with Laxmipur P.S. Case No. 370 of 2023, registered for the offences punishable under Sections 341, 323, 307, 504/34 of the Indian Penal Code.
3. The allegation against above named petitioners is to assault informant and others by sword, rod etc., causing head and bodily injuries having intention to cause their death, where occurrence arises out of dispute related with he-goat, that was



taken by petitioner no. 1.

4. Learned counsel appearing on behalf of the petitioners submitted that both parties are in inimical terms out of pending criminal litigation. It is submitted that the assault as alleged not appears repeated to attract “intention to cause death”, which is a prime consideration to attract a case, *prima facie*, under Section 307 of the Indian Penal Code. It is further submitted that the nature of injury, which was caused by petitioner no. 1 appears simple. It is also pointed out that injury as alleged to be caused by petitioner no. 2 is also single and simple in nature, whereas there is no allegation of assault available against petitioner no. 3, who is a lady of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact as alleged assault is not repeated, where nature of injury also appears simple, coupled with the fact all above named petitioners are persons of clean antecedent, accordingly, all above named petitioners, in the event of their arrest or surrender before the Court below, within a period of four weeks of the order, are directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand)



each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, Jamui/concerned Court, where the case is pending in connection with Laxmipur P.S. Case No. 370 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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