

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5485 of 2024

Arising Out of PS. Case No.-216 Year-2023 Thana- KUMAR KHAND District- Madhepura

1. Rajesh Thakur Son Of Achchhelal Thakur Resident Of Village - Haribola, Ward No.7, P.S. - Kumarkhand, District - Madhepura
2. Brajesh Kumar @ Brajesh Thakur Son Of Ramesh Thakur Resident Of Village - Haribola, Ward No.7, P.S. - Kumarkhand, District - Madhepura
3. Laltu Kumar @ Laltu Thakur Son Of Brajesh Kumar @ Brajesh Thakur Resident Of Village - Haribola, Ward No.7, P.S. - Kumarkhand, District - Madhepura
4. Bikash Kumar @ Bikas Thakur Son Of Bechan Thakur Resident Of Village - Haribola, Ward No.7, P.S. - Kumarkhand, District - Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Barun Kumar Singh, Advocate
For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Kumarkhand (Bhatni O.P.) P.S. Case No. 216 of 2023 dated 03.06.2023, instituted for the offence punishable under Sections 448, 323, 307, 379, 504, 506, 34 of the Indian Penal Code.

3. The prosecution case, in short, is that, when the informant was cooking chapattis, her agnates started abusing and assaulting her. When she resisted she was attacked by accused Rajesh Thakur by rod on her head from behind with the



intention to kill her due to which she sustained injury and blood started oozing out from her head. When her husband came to save her, he was also assaulted by the accused persons with lathi causing injury on his hand and head. It is further alleged that when her family members came to save him, they were also assaulted by the accused persons.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that both the parties are close agnates and co-sharers. It is further stated that there is a land dispute between the parties, due to which some altercations have taken place between the parties. It is further submitted that both the parties sustained injuries. It is next submitted that there is a case and counter case between the parties. It is further stated that mother of petitioner no. 4, namely, Prabha Devi has lodged Kumarkhand (Bhatni O.P.) P.S. Case No. 219/2023 against the present informant and other family members, due to which the present false case has been lodged against the petitioners. It is further submitted that both the parties have compromised and a compromise petition to this effect has also been filed before the Court of learned A.C.J.M.-III, Madhepura on 10.08.2023. Lastly, it has been submitted that the petitioners have no



criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Kumarkhand (Bhatni O.P.) P.S. Case No. 216 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-III, Madhepura, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

Sankalp/-

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