

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3925 of 2025**

Arising Out of PS. Case No.-184 Year-2024 Thana- KUDHNI District- Muzaffarpur

Bhola Thakur S/O Ganesh Thakur @ Bachan Thakur Resident of Village-  
Jagarnathpur, P.S.- Kudhani, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Raja Ram Mishra, Advocate

For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      12-02-2025                      Heard   Mr.Raja Ram Mishra,   learned counsel for  
  
the petitioner, learned counsel for the informant and   Mr.Md.  
  
Anzarul Haque Sahara,   learned Additional Public Prosecutor  
  
for the State.

2. The petitioner is apprehending his arrest in  
connection with Kudhani P.S. Case No.184 of 2024, dated  
14.09.2024 registered for the offences punishable under  
Sections   126(2),115(2),109,118(1),117(2),329(3),329(4)   and  
352 of BNS, 2023.

3. Prosecution case in brief is that on 13.09.2024 at  
about 10 PM the informant and her wife were sleeping in their  
room when they heard some noises. The informant's wife came  
out when Bhola Thakur attacked her with a knife and lathi. The  
cause of occurrence is alleged to be previous land dispute.



4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. It appears from the FIR itself that due to admitted land dispute, the present occurrence had taken place and father of the petitioner has already filed a case bearing Title Suit No.1194/2015 for the land in question and the present FIR has been instituted only to pressurize the petitioner in the aforesaid title suit which is pending between the parties. Although there is specific allegation against the petitioner that he assaulted to the informant but from a bare perusal of the injury report it appears that the injured persons namely, Shiv Shankar Patel and his wife Dhanwanti Devi have received the following injuries, which are being reproduced hereinbelow:

“(1) incised wound 2cm x 1cm x 1/4cm on left thigh.

(2) abrasion 5cm x 1/4cm on left cheek.

(3) abrasion 4cm x 1/4cm on left side of neck.

Nature of injury no. (1) reserved, (2), (3) are simple and by sharp object.

Dhanwanti Devi had following injuries:

(1) incised wound 2cm x 1cm x 1/4cm on left side of abdomen.



(2) lacerated wound 2cm x 2cm x 1/4cm below left eye.

(3) pain and swelling 5cm x 4cm on left forearm.

Nature of injury no. (1), (3) opinion reserved and (2) is simple.”

5. Learned counsel for the informant and learned A.P.P. for the State have vehemently opposed the prayer for anticipatory bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he assaulted to the informant and his family members.

6. Considering the aforesaid facts and there is land dispute between the parties, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 ACJM-1st, West Muzaffarpur in connection with Kudhani P.S. Case No.184 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of BNSS, 2023 and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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