

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23248 of 2025

Arising Out of PS. Case No.-291 Year-2023 Thana- RAJEPUR District- East Champaran

1. Arun Thakur S/O Ramsagar Thakur Resident of Village- Maniyarpur, P.S.- Rajepur, District- East Champaran.
2. Ajay Thakur S/O Ramsagar Thakur Resident of Village- Maniyarpur, P.S.- Rajepur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 02-07-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in connection with Rajepur P.S. Case No. 291 of 2023, dated 12.12.2023, lodged under Section 447, 341, 323, 307, 504, 506 and 34 of the Indian Penal Code. Later on vide order dated 30.11.2024 Section 302 of the IPC was also added.

3. As per the prosecution, FIR has been lodged against four named accused persons, including the present petitioners, alleging that on the evening of 11.12.2023, the accused persons surrounded and assaulted the informant over an old dispute. One of the accused persons tried to hit the informant with a bamboo



stick, but the informant escaped the blow, and the bamboo struck the informant's mother instead, causing her injury. She was subsequently referred to Muzaffarpur Hospital.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He further submits that the criminal antecedents of the petitioners are clean. Counsel further submits that the FIR indicates there was an earlier dispute between the parties, and only due to this reason a scuffle took place. Counsel further submits that the specific allegation is against accused Dinesh Thakur, who tried to assault the informant with a bamboo stick, but by mistake, the said bamboo hit the informant's mother, who was admitted to the hospital and subsequently died. Counsel further submits that there is absolutely no allegation against the present petitioners, save and except that their names have been added in the FIR. Counsel further submits that the petitioners are ready to fulfill all the conditions whatsoever shall be imposed upon them.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that the death of the informant's mother has been caused, however, it is also true that the direct allegation is against the accused Dinesh Thakur, who is not the petitioner.



6. In the light of the submissions, it transpires to this Court that the occurrence took place on 11.12.2023 and that after about 11 months, Section 302 of the IPC was added. It also transpires that there is a gap between the death and the injury, as well as no whisper of any act or overt act against the petitioners.

7. As such, in the present facts and circumstances of this case, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Chief Judicial Magistrate, East Champaran, Motihari, in connection with Rajepur P.S. Case No. 291 of 2023, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

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