

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40572 of 2025

Arising Out of PS. Case No.-39 Year-2025 Thana- Kasar District- Sheikhpura

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1. Kapil Thakur @ Kapil Kumar Shri Thakur R/o - Masodha, P.S - Kasar, District - Sheikhpura
 2. Subhash Thakur @ Subhash Kumar Son of Shri Thakur R/o - Masodha, P.S - Kasar, District - Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2025 Heard Mr. Pankaj Kumar, learned counsel for the petitioners and Mr. Anil Prasad Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kasar P.S. Case No. 39 of 2025, F.I.R. dated 07.04.2024 for the offences punishable under Sections 126(1), 115, 76, 118(1), 303(2), 109, 352, 351(2), 3(5) of Bharatiya Nyay Sanhita, 2023.

3. According to prosecution case, the informant alleged that on 16.04.2025 at about 10A.M, she saw that the petitioners were digging her land. On objection, the petitioners along with other accused persons assaulted her and tried to outrage her modesty. When the family members of the informant came to rescue, the



accused persons assaulted them also.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. There is case and counter between the parties. It appears from the FIR that due to admitted land dispute the present occurrence has taken place. Although the petitioners are named in the FIR but there is specific allegation against co-accused persons, namely, Anuj Thakur and Navin Thakur and there is no specific allegation against these petitioners rather the allegation levelled against them are general and omnibus.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, petitioners have clean antecedent and there is case and counter case between the parties and there is no specific allegation against them, let the petitioners, above named, in the event of 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) each with two sureties of the like amount each to the satisfaction of the learned J.M. Sheikhpura in connection with Kasar P.S. Case No. 39 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-



i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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