

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43303 of 2025

Arising Out of PS. Case No.-29 Year-2025 Thana- MAINATAND District- West Champaran

1. Arbind Kumar Thakur S/o Sukhdeo Thakur Resident of Village - Ramnagari, PS- Mainatand, District- West Champaran at Bettiah
2. Rina Devi W/o Late Fuldeo Thakur @ Pundev Thakur Resident of Village - Ramnagari, PS- Mainatand, District- West Champaran at Bettiah
3. Vinay Thakur @ Binay Thakur S/o Jokhu Thakur Resident of Village - Ramnagari, PS- Mainatand, District- West Champaran at Bettiah
4. Fulpari Devi W/o Vinay Thakur @ Binay Thakur Resident of Village - Ramnagari, PS- Mainatand, District- West Champaran at Bettiah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-07-2025 Heard Mr. Nitish Kumar, learned counsel for the petitioner and Mr. Yogendra Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Mainatand P.S. Case No. 29 of 2025, F.I.R. dated 19.02.2025 for the offences punishable under Sections 329(4), 115(2), 118(1), 117(2), 126(2), 109, 74, 76, 303(2), 352, 3(5) of Bhartiya Nyaya Sanhita, 2023.

3. The case of prosecution case is that a fardbeyan dated 10.02.2025 has been given before police by informant



Abhinash Thakur stating therein that on 09.02.2025 at about 17:00 O'clock his pattidar Arvind Kuamr Thakur, Rina Devi, Vinay Thakur and ful pari Devi armed with deadly weapons came at the house of informant and started to abuse. When the informant opposed then all of them started to beat him on account of a previous dispute. When father of informant came to escape him all the accused caused injury to his father also and repees 5,000/- has also been stolen from pocket of his father. Further allegation is that wife of informant has also been disrobed by tearing her blouse. Injury report of informant is mentioned in para no. 31 of the case diary in which three injuries has been shown suffered by him caused by sharp sub. stance as well as hard and blunt substances. Though all the injuries have been shown simple in nature but at the time of medical examination the informant has been shown semi-conscious and some of the injuries are sharp cut in nature

4. Learned counsel for the petitioners submit that petitioner nos. 1, 2 and 4 have clean antecedent and petitioner no. 3 carry one case other than the present one and petitioner no. 3 has been given benefit of Section 41(a) of Code of Criminal Procedure. There is case and counter case between



the parties. Learned counsel for the petitioners further submit that bare perusal of the FIR, it appears that there is admitted land dispute between the parties the present case and one title suit no. 59 of 2024 is pending between the parties before the competent court of law. Although petitioners are named in the FIR and there is specific allegation against them that they have assaulted the informant but there is no specific allegation against these petitioners rather the general and omnibus allegation. Apart from that injury report of the injured persons suggests that injury is simple in nature.

5. The learned counsel for the informant as well as learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail submits that petitioners are named in the FIR apart from that specific allegation against them that they have assaulted the informant.

6. Considering the aforesaid facts and circumstances, due to admitted land dispute between the parties the present case has taken place, a case and counter case between the parties and there is also a title suit pending between the parties and injury report of the injured persons are simple in nature, let the petitioners, above named, in the event of their 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 the learned Judicial Magistrate, Bettiah in connection with Mainatand P.S. Case No. 29 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023 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 his absence on two consecutive dates without sufficient reason, his 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 his 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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