

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69331 of 2025

Arising Out of PS. Case No.-74 Year-2025 Thana- CHIRAIYA District- East Champaran

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1. Chhotan Thakur @ Chhotan Kumar, S/o Ranjan Thakur;
 2. Ranjan Thakur, S/o Late Laxman Thakur;
 3. Santosh Thakur @ Santosh Kumar, S/o Late Laxman Thakur;
 4. Divesh Thakur @ Daves Thakur @ Devesh Kumar, S/o Ranjan Thakur;
 5. Vikash Thakur @ Vikash Kumar, S/o Ranjan Thakur;
- All are R/o Vill. - Harbolwa, P.S.- Chiraiya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Singh, Adv.
For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 26-09-2025 Heard the learned counsel for the petitioners and the
learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Chiraiya P.S. Case No. 74 of 2025 registered for the offence(s) under Section(s) 126(2), 115(2), 118(1), 109, 74, 303(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (B.N.S.).



3. As per the prosecution case, all the FIR named accused persons including the petitioners were forcibly constructing an asbestos house. When the informant and his brother came to oppose the same, the accused/Vikash Thakur allegedly took out knife from his pocket and attacked the informant on his head with an intention to kill him. It is further alleged that the accused/Chhotan Thakur and Rajan Thakur tied towel around the neck of the informant and accused/Vikash Thakur repeatedly gave knife blows, as a result of which he fell down. It is also alleged that when the brother and the sister-in-law of the informant came to save them, accused/Santosh Thakur and Devesh Thakur assaulted them with fist and, later, by iron rod.

4. The learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case and no such incident, as alleged, has occurred. It has further been submitted that the present case has been lodged on account of a land dispute for which a title suit, bearing No. 34 of 2024, is pending between the parties. It has also been alleged that the injuries alleged to have been received by the informant and one another were found to be simple in nature and the same has been brought on record by way of Annexure-2 and



Annexure-3. It has lastly been submitted that the petitioners have clean antecedent.

5. The learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioners, above-named, be released on anticipatory bail, in the event of their arrest or surrender before the concerned Court/successor Court within a period of four weeks from today, on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court/successor Court where the case is pending in connection with Chiraiya P.S. Case No. 74 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 read with corresponding Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.) as well as subject to the following conditions :

(i) One of the bailors of the petitioners shall be their close relative.

(ii) The petitioners shall remain physically present before the concerned Court/successor Court on each and every date of the trial and shall cooperate in the



investigation.

(iii) In case of absence for two consecutive occasions or in violation of the terms of the bail, the bail-bonds of the petitioners will be liable to be cancelled by the concerned Court/successor Court.

(iv) If the petitioners, in future, are found to be involved in similar nature of offence(s), the prosecution shall be at liberty to move for cancellation of their bail-bonds.

(v) The concerned Court/successor Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that they have concealed their criminal antecedent, the Court concerned shall take necessary steps for cancellation of their bail-bonds. 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.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

8. The application stands allowed.

(Sourendra Pandey, J)

Praveen-II/-

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