

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75840 of 2024

Arising Out of PS. Case No.-533 Year-2023 Thana- JOGAPATTI District- West Champaran

1. Abhay Thakur Son of Nagina Thakur @ Chokat Thakur Village- Golaghat, Ps- Yogapatti, Dist- West Champaran
2. Nagina thakur @ Chokat Thakur Son of Devnarayan Thakur Village- Golaghat, Ps- Yogapatti, Dist- West Champaran
3. Devnarayan Thakur Son of Durga Thakur Village- Golaghat, Ps- Yogapatti, Dist- West Champaran
4. Suganti Devi Wife of Nagina Thakur @ Chotak Thakur Village- Golaghat, Ps- Yogapatti, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Adv.
For the State	:	Mr. Akshay Lal Pandit, APP
For the Informant	:	Mr. Gauri Shankar Thakur, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-01-2025 Heard learned counsel for the petitioners, learned
APP for the State and learned counsel for the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302, 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioners along with other accused persons are alleged to have assaulted the husband of the informant.

4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this



case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that there is no specific overt act against petitioners no.2 and 4. He further submits that allegation against the petitioners no. 1 and 3 is that they caught hold of the injured person. He next submits that similarly situated co-accused has been granted anticipatory bail by this Court vide order dated 04.09.2024 passed in Cr. Misc. No. 50259 of 2024. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned counsel for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case and the fact that there is no specific overt act against the petitioners no. 2 and 4, let the above named petitioners no.2 and 4, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Yogapatti P.S. Case No. 533 of 2023, subject to the condition as



laid down under Section 438 (2) of the Cr.P.C.

7. Considering the facts and circumstances of case and the fact that there is specific overt act against the petitioners no.1 and 3, I am not inclined to enlarge petitioners no.1 and 3 on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, if the petitioners no. 1 and 3 surrender before the learned Court below within six weeks from today and seek regular bail then the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order, considering the fact that the petitioners no. 1 and 3 have no criminal antecedent and petitioners no. 1 and 3 are not the assailant.

8. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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