

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74532 of 2024

Arising Out of PS. Case No.-39 Year-2024 Thana- MUSAHARI District- Muzaffarpur

Pappu Thakur Son of Late Raghunath Thakur Resident of village-Sutihara
Amba, P.S-Mushahari, Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh, Adv.

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 22-01-2025 Heard Learned Counsel for the petitioner and
Learned APP for the State.

2. The petitioner is apprehending arrest in a case registered for the offences punishable in connection with Mushahari P. S. Case No.39 of 2024 under Sections 341, 323, 325, 379, 307/34 of the Indian Penal Code.

3. As per the prosecution, the FIR has been lodged against 4 named accused persons including the petitioner against whom there is allegation that the petitioner has assaulted by iron rod on the head of the informant and other accused persons have assaulted by other instrument on his eyes due to which left eye was damaged.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits



that for the same date and place of occurrence, two F.I.Rs. have been lodged. He further submits that annexure-1 is the F.I.R. lodged by the informant's side whereas annexure-2 is the F.I.R. lodged by the petitioner's side on the same date *i.e.*, Mushahari P.S. Case no.38 of 2024 has been lodged from the petitioner's side and Mushahari P.S. Case no.39 of 2024 has been lodged from the informant's side (present case).

5. Learned Counsel further submits that from the F.I.R., it becomes crystal clear that both informant and petitioner's side are resident of same village and dispute has arisen for the construction of the boundary. They are basically adjacent neighbours.

6. Learned Counsel also submits that antecedent of the petitioner is clean and neither petitioner nor informant are criminal rather due to civil dispute, this occurrence has arisen. He further submits that the petitioner's age is about 55 years.

7. Learned APP for the State opposes the prayer for bail and submits that in the criminal matter, only this aspect has to be taken into consideration whether the offence has been made or not?

8. In the present facts and circumstances, let the above named petitioner be released on anticipatory bail, in the event of



arrest or surrender before the Court below within a period of 4 weeks from today, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate-12th, Muzaffarpur East in connection with Mushahari P. S. Case No.39 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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