

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77667 of 2024

Arising Out of PS. Case No.-322 Year-2022 Thana- BENIPATTI District- Madhubani

1. Balram Thakur Son of Kailash Thakur R/o village - Gamhariya , p.s. - Benipatti , District - Madhubani
2. Raghunath Thakur @ Raghunath Sharma son of Kailash Thakur R/o village - Gamhariya , p.s. - Benipatti , District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash

For the Opposite Party/s : Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

3 10-01-2025 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in a case instituted for the offence punishable under Sections 447, 341, 323, 307, 354(B), 504, 506, 379/34 of the Indian Penal Code.

3. The prosecution case in nutshell is that while the informant along with his son was plucking beans, in the meantime, co-accused Shatrudhan Thakur came there and slapped the informant's son. When he raised objection, petitioners and other co-accused persons, variously armed,



came to informant's door and started abusing. It is further alleged that co-accused Shatrudhan Thakur assaulted the informant by means of Axe due to which he sustained injuries over his left hand. Petitioner No. 2, namely, Raghunath Thakur assaulted the informant by means of brick. When his daughter came for his rescue, he also assaulted her by means of spade due to which she sustained injuries over her hand and profuse bleeding. It is further alleged that when the nephew of the informant, came to save him, petitioner No. 1, Balram Thakur gave an Axe blow due to which his ribs got fractured. When the sister-in-law (Bhabhi) of the informant came to his rescue, petitioner No. 1, Balram Thakur, got her hairlock and threw her down on ground and assaulted on her legs and chest due to which she sustained injuries. It is lastly alleged that accused persons snatched gold chain and Rs. 5,000/- (five thousand rupees) from nephew of the informant.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have falsely been implicated



in the present case. There is inordinate delay of 4 days in lodging the F.I.R. Both parties are agnates and there is land dispute between them. There is case and counter case between the parties. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

5. Learned A.P.P. for the State vehemently opposed the prayer of bail and submitted that from perusal of the F.I.R., it appears that there is specific allegation against Balram Thakur (petitioner No. 1) to assault nephew and sister-in-law of the informant due to which nephew of the informant sustained injuries on his ribs as well on left side of his chest. His sister-in-law sustained injuries on her legs and chest. From perusal of injury report of nephew of the informant (Kamlesh Kumar) it is evident that he has sustained fracture of ribs and doctor has opined the injuries as grievous in nature.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner No. 2, namely, Raghunath Thakur @ Raghunath Sharma, on bail as



injuries inflicted by him to the informant and his daughter are simple in nature. From perusal of the injury report of informant's daughter (Chandani Kumari), annexed as Annexure 2 to this petition, it is evident that she has sustained injuries over her left hand and the doctor has opined the injury as simple in nature. petitioner No. 2, namely, Raghunath Thakur @ Raghunath Sharma is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Benipatti P.S. Case no. 322 of 2022, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate I, Benipatti, Madhubani, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

7. As far as Petitioner No. 1 (Balram Thakur) is concerned, after considering the nature and manner of injury, this court is not inclined to enlarge him on bail and, as such, his prayer for bail stands rejected and he is directed to surrender before learned court below and pray for regular



bail, the same shall be considered by the court below on its own merit, without being prejudiced by the order of this Court.

(S. B. Pd. Singh, J)

Nirajkrs/-

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