

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87438 of 2024

Arising Out of PS. Case No.-612 Year-2023 Thana- HARSIDHI District- East Champaran

1. Rajaram Thakur Son of Late Sukhari Thakur Resident of Village- Mathlohiyar, P.S.-Harsidhi, District- East Champaran, Motihari
2. Vijay Yadav Son of Late Lagatu Rai Resident of Village- Mathlohiyar, P.S.- Harsidhi, District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 21-01-2025 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Harsidhi Police Station Case No. 612 of 2023, dated 20.10.2023, disclosing offences punishable under Sections 341/323/324/307/379/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that on 18.10.2023, at about 08:15 AM, while the informant was at his home, the petitioner no. 1 reached there and called the informant to his house for some talk and when the informant reached the house of the petitioner no. 1, the petitioner no. 1 ordered other persons



standing there to kill him and on the orders, co-accused Brij Kishore Yadav tied a rope around the neck of the informant and started pulling him and the petitioner no. 2 and 8-10 unknown persons started assaulting the informant by means of iron rod on the head of the informant, due to which the informant sustained many injuries.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have not committed any offence in the manner alleged. He further submits that both the parties are co-villagers and there is previous enmity between them. He further submits that the side of the petitioners have lodged Harisdhi Police Station Case No. 615 of 2023 against the informant and others.
5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the allegation against the petitioner no. 1 is general and omnibus in nature, parties are co-villagers having previous dispute and counter case is there, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application, so far as petitioner no. 1 is concerned, is allowed.



7. Let the petitioner no. 1, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, 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 learned Chief Judicial Magistrate, East Champaran, at Motihari, in connection with Harsidhi Police Station Case No. 612 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.
8. However, considering the fact that there is direct allegation of assault against the petitioner no. 2 upon the head of the informant and the informant has sustained eight injuries, out of which two are on the vital parts, I am not inclined to grant the petitioner no. 2 privilege of anticipatory bail.
9. This application, so far as petitioner no. 2 is concerned, is dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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