

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16198 of 2015

Arising Out of PS.Case No. -60 Year- 2014 Thana -ASHOK PAPER MILL District- DARBHANGA

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1. VISHAL JHA @ ABHINAV KUMAR JHA @ ABHINABH KUMAR
JHA son of Sri Gunanand Jha resident of village- Rambhadrapur, P.S.-
Ashok Paper Mill (Patore O.P.), District- Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kaushalesh Choudhary

For the Opposite Party/s : Mr. Narsingh Tanti(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 12-08-2015 Heard learned counsels for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
06.09.2014 in connection with Ashok Paper Mill (Patore O.P.)
P.S.Case No. 60 /2014 registered for the offences punishable
under Sections 307, 504/34 of the Indian Penal Code and Section
27 of the Arms Act.

As per the First Information Report, the informant of
this case was running a generator business and had gone to collect
money on 27.07.2014 at 4 P.M. When the informant taking tea in
the shop of Kari Mahto, suddenly petitioner Vishal Jha with others
came boarding on motorcycle and entered into the shop of Kari
Mahto.

It is further alleged that the petitioner Vishal Jha came

out from the hotel and assaulted the informant by kicks and fists and accused petitioner with other persons fled away with motorcycle. It is further alleged that informant came to his village on his own motorcycle and talked with accused Pankaj Choudhary through his mobile on which accused Pankaj Choudhary and father of accused petitioner (Vishal Jha) came at the residence of the informant and matter was compromised and medical expenses of informant of Rs. 297/- was paid by father of accused/petitioner Vishal Jha.

It is further alleged that on 28.07.2014 informant was treated in his village Nursing Home and doctor prescribed medicine, which was purchased by the informant of Rs. 1500/- and again on the same day at about 7 P.M. Informant tried to talk with the father of accused petitioner Vishal Jha but he did not respond and on 29.07. 2014 also no one respond to the informant. It is further alleged that on 05.08.2014 at about 8.30 A.M. accused Vishal jha and accused Pankaj Chaudhary and Nanhey Mishra came at the residence of informant and made query from his father about the informant and also used filthy language and threatened to kill him. On this, the informant's father came on the road and protested on which petitioner Vishal Jha fired on the informant with intention to kill him and gun shot injury was caused on his thigh and he fell down then the petitioner accused fled away from there towards village Horalpatti and his father was

admitted in hospital. It is further alleged that his cousin Pappu Mahto and villagers followed them but they fled away.

It has been submitted by the learned counsel for the petitioner that he has been falsely implicated and the injuries are simple in nature.

It has further been submitted that one of the co-accused has been granted bail vide order dated 18.09.2014 in B.P. No. 495 of 2014 from the Court of 3rd Additional Sessions Judge, Darbhanga.

Under such circumstances, let the above named petitioner 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 A.C.J.M., Darbhanga in connection with Ashok Paper Mill (Patore O.P.) Case No. 60/2014 pending in the Court of learned A.C.J.M. Darbhanga in T.R. No. 63 of 2014.

(Nilu Agrawal, J)

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