

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16892 of 2015

Arising Out of PS.Case No. -1 Year- 2015 Thana -SC/ST District- SAHARSA

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1. Chandan Jha @ Chandan Kumar, Son of Buchi Jha @ Bijendra Jha
 2. Laxman Jha @ Ajay Kumar Jha, Son of Saheb Jha @ Devendra Jha
 3. Bijay Jha @ Bijay Kumar Jha, Son of Saheb Jha @ Devendra Jha
 4. Pappu Jha @ Binay Kumar Jha, Son of Late Rajendra Jha
 5. Gappu Jha @ Binit Kumar Jha, Son of Late Rajendra Jha
 6. Kanhaiya Jha @ Kanhaiya Mishra, Son of Parmeshwar Mishra
- All are resident of Village - Kahra, P.S. & District - Saharsa

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate.
For the Opposite Party/s : Mr. Ambika Bhagat (Spl.P.P.)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 20-05-2015 Learned counsel for the petitioners submits that during the pendency of this Anticipatory Bail Petition, petitioner no. 2, Laxman Jha @ Ajay Kumar Jha, has already been arrested.

Accordingly, the Anticipatory Bail Petition of the above named petitioner no. 2 is dismissed as has become infructuous.

Heard both sides.

The petitioners no. 1, 3, 4, 5 & 6, namely, Chandan Jha @ Chandan Kumar, Bijay Jha @ Bijay Kumar Jha, Pappu Jha @ Binay Kumar Jha, Gappu Jha @ Binit Kumar Jha and Kanhaiya Jha @ Kanhaiya Mishra, apprehend their arrest in a case under Section 379 and other sections of the Indian Penal Code and

Section 3(1)(x)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The informant made omnibus and general allegation that the petitioners, after having known the fact that the informant became the witness in the case lodged by Sumitra Devi, wife of Lalo Yadav, came to the house of the informant, abused the informant by naming his caste and also assaulted the informant and his family members. Submission is that the occurrence took place on 24.12.2014 but, for the reasons best known to the informant, the case was lodged on 01.01.2015 and this fact itself shows fabrication and falsity of the case, that too, at the instance of Lalo Yadav with whom the petitioners are on litigating terms. The occurrence took place inside the house, that too, on account of land dispute. The petitioners have got no criminal antecedents.

Sri Ambika Bhagat, learned Spl. P.P. has, however, opposed the prayer for anticipatory bail of the petitioners.

Considering the facts that the case itself was lodged after one week of the occurrence but no satisfactory explanation was given for such inordinate delay and there is enmity from before the occurrence between the parties, the above named petitioners no. 1, 3, 4, 5 & 6, in the event of their arrest or surrender before the learned court below within a period of four

weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in S.C./S.T. Saharsa P.S. Case No. 1/2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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