

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5984 of 2016

Arising Out of PS.Case No. -123 Year- 2015 Thana -SHIWAPATHI District- MUZAFFARPUR

1. Mahesh Jha son of Late Bujhawan Jha
2. Krishna Kumar Jha son of Sri Mahesh Jha
Both are resident of Village- Ghosaut, P.S.- Siwaipatti, District-
Muzaffarpur..... Petitioner

Versus

1. The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh

For the Opposite Party/s : Mr. Ajay Kr. 1(App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 22-02-2016 Heard learned counsel for the petitioners and learned
counsel representing the State.

Petitioners seek bail in connection with Siwaipatti P.S.
Case No. 123 of 2015 registered for the offences punishable under
Sections 341, 323, 324, 325, 307, 379, 504, 506 and 427/34 of the
Indian Penal Code.

Allegedly, the petitioner no. 1 assaulted the informant
with spade and petitioner no. 2 assaulted with iron rod on the head and
further when the wife of the informant came for rescue her golden Jitiya
was snatched and when the son of the informant came for rescue he was
also assaulted by iron rod causing fracture of his arm and further the
accused persons took out Rs. 6,000/- from the pocket of the informant.

Submission is of false implication and that there is case
and counter case, due to land dispute there was free fight between the
parties, there was no intention to commit murder, there was no

intervening circumstance, allegedly, the petitioners have not repeated the blow and as such they deserve sympathetic consideration as they are suffering in custody since 01.12.2015.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that five injuries were found on the person of the informant, out of which injury no. 1, 2 and 3 are skin deep cut injury on scalp and are grievous.

In the facts and circumstances stated above, the petitioners above named shall be released on bail **after completion of four months in custody from the date of remand** on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Muzaffarpur in connection with Siwaipatti P.S. Case No. 123 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

avin/-

U		T	
---	--	---	--