

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41644 of 2016

Arising Out of PS.Case No. -50 Year- 2016 Thana -KALYANPUR District- SAMASTIPUR

1. Sri Narayan Jha, son of Late Baidyanath Jha
2. Deepak Kumar Jha, son of Mithilesh Kumar Jha
3. Vikash Kumar Jha, son of Sri Narayan Jha All are resident of Village/
Mohalla- Basudeopur, P.S.- Kalyanpur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur
Mr. Pravin Kumar

For the Opposite Party/s : Mr. Sri Ram Naresh Ray

For the Informant : Mr. Rajeev Ranjan

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

2 29-09-2016 Heard learned Counsel for the petitioners, the informant and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Kalyanpur Police Station Case No. 50 of 2016, disclosing offences under Sections 341/323/324/307/379/504/34 of the Indian Penal Code.

Learned Counsel appearing on behalf of the petitioners has submitted that there is allegation against co-accused, Mithilesh Kumar Jha, of assaulting the informant on his head with *khanti*, which caused serious injury. He has drawn my attention to the injury report,

which indicates that the doctor has found the injury to be simple in nature, but could have been fatal.

Learned Counsel for the petitioners has, accordingly, submitted that no injury, as mentioned in the injury report, can be said to have been caused by the petitioners, which could have led to death of the informant. He, accordingly, submits that these petitioners cannot be said to have committed offence under Section 307 of the Indian Penal Code.

Learned Counsel appearing on behalf of the informant, on the other hand, has vehemently opposed the prayer for anticipatory bail and has submitted that considering the criminal antecedent of petitioner no. 1, he should not be given the privilege of anticipatory bail.

I have seen the statement made in paragraph 3 of the application. I do not think that the implication of petitioner no. 1 in a case of the nature mentioned in the said section, lodged in the year 2002, should be taken as a ground for refusal of his application for anticipatory bail.

Considering the above submissions, this application is allowed.

Let the petitioners, namely, Sri Narayan Jha, Deepak Kumar Jha and Vikash Kumar Jha, in the event of their arrest or surrender before the Court below within six

weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur, in connection Kalyanpur Police Station Case No. 50 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-c

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