

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40183 of 2016

Arising Out of PS.Case No. -203 Year- 2016 Thana -BAHERA District- DARBHANGA

1. Raghvendra Kumar Jha @ Moni Babu @ Mani Kant Jha Son of Late Kul Shekhar Jha Resident of Village Nawada, Police Station Bahera, District - Darbhanga.
2. Chandra Kant Jha Son of Laxmi Kant Jha
3. Gautam Mishra Son of Hari Nath Mishra
4. Kamal Kishore Jha @ Sonu Son of Pawan Kumar Jha Nos. 2 to 4 are residents of Village - Mahinam, Police Station - Bahera, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Indra Kumar Singh, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-10-2016 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

Petitioners apprehend their arrest in connection with Bahera P.S.Case No. 203 of 2016, G.R. No. 254 of 2016 registered for the offence punishable under Sections 341, 323, 379, 307 and 504/34 of the Indian Penal Code.

The prosecution case is that on 29.06.2016 at about 3 P.M. Manoj Mishra, father of the informant has been elected Block Pramukh and the informant along with other began to raise slogans and at the same time the supporters of Asha Devi (the



petitioners) and others in a mob surrounded the informant and Manikant Jha ordered to kill and thereafter Kanhaiya Jha assaulted with iron Khanti on the head of the informant and while informant was fleeing away, he again attempted to assault with Khanti but Hem Jha caught hold of him and other accused persons caused hurt with rod and lathi and also caused hurt to Hem Jha and others. It is alleged that the police intervened and saved the informant and Kamal kishore Jha @ Sonu the petitioner No. 4 snatched golden chain.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case due to previous enmity and political rivalry. He also submits that the injury report finds injuries to be simple in nature except one, which has been found to be grievous but on non- vital part of body. He further submits that no case under Section 307 of the I.P.C. is made out and that the petitioners have no criminal antecedent as is evident from para-3 of this application.

However, learned A.P.P. for the State submits that petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the injuries have found to be

simple in nature and the petitioners have no criminal antecedents, let the petitioners, named above, in the event of their arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Benipur in connection with Bahera P.S.Case No. 203 of 2016 (G.R. No. 254 of 2016), subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

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