

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17349 of 2016

Arising Out of PS.Case No. -25 Year- 2016 Thana -BAHERA District- DARBHANGA

Shiv Kant Jha @ Tuntun Jha, Son of Late Ramdeo Jha, Resident of Village-
Ramouli, Police Station- Bahera, District- Darbhanga.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Pankaj Kumar Jha, Advocate

For the Opposite Party : Dr. Ajit Kumar (App)

For the Informant : Mr. Kaushal Kr. Jha, Advocate

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

4 25-05-2015 Heard learned counsel for the petitioner, State and
informant.

The petitioner apprehends his arrest in connection
with Bahera PS case no. 25/2016 registered for offences
punishable under Sections 147, 148, 149, 341, 323, 324, 307, 504
of the Indian Penal Code.

It is contended on behalf of the petitioner that an
altercation took place due to land dispute. The entry in the
revisional survey of records of right is in favour of the petitioner.
Certain persons have filed Title Suit no. 159 of 2015 for
declaration of such entry to be wrong and the informant's father
has been impleaded as defendant 3rd set in that suit whereas the
petitioner has been impleaded as defendant no. 7 being defendant



2nd set. It is urged that defendant 3rd set, the father of the informant is supporting the plaintiffs. It is submitted that injury is upon both sides. The injuries upon the informant side including informant are simple in nature and infact Vidyadhar Mishra has not received any injury by sharp cutting weapon which would be evident from the injury report whereas the allegation against the petitioner is of assault by *farsa*. Of course, there is an injury by sharp cutting weapon upon Gopal Kumar Mishra but that is also simple in nature and it would be evident from the copy of injury report, which is appended as Annexure-5 to the supplementary affidavit, that C.T. scan was not done. It is further contended that petitioner was also injured and was admitted in DMCH. His fardbeyan was recorded on the basis of which FIR has been lodged, a copy of which has been appended as Annexure-2.

It is contended on behalf of the informant that the allegation is of assault on three persons by the petitioner by sharp cutting weapon.

Per contra, Learned counsel for the petitioner has reiterated that though the assault was upon three persons by sharp cutting weapon but two of them had not received any injury. It is

case and counter case connected with land dispute.

Having regard to the facts and circumstances of the case, let the petitioner, namely, Shiv Kant Jha @ Tuntun Jha be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Bahera PS case no. 25/2016, on furnishing bail bond of Rs.10,000(Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Benipur, Darbhanga subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J.)

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