

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1402 of 2016

Arising Out of PS.Case No. -164 Year- 2016 Thana -AURAI District- MUZAFFARPUR

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1. Rajbali Jha
 2. Manoj Kumar Jha Both sons of late Sumeshwar Jha
 3. Deep Nath Jha
 4. Yetendra Nath Jha Both sons of Rajbali Jha All resident of Village-
 Ratwar, P.S.-Aurai, Distt.- Muzaffarpur

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Nachiketa Jha-Advocate

For the Respondent/s : Mr. Sri Sadanand Paswan-S.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

05 30-03-2017 Heard learned counsel for the appellants as well as
 learned Special Public Prosecutor.

At an earlier occasion, considering the submission made on behalf of appellants, case diary of Aurai P.S. Case Nos.163 of 2016, 164 of 2016, 165 of 2016 and 166 of 2016, which are interconnected to each other have been called for and are available on the record. It is to be noted that appellant Rajbali Jha happens to be the Village Post Master and on account of non-providing of the Aadhar Card and the offence relating thereto are being prosecuted under Aurai P. S. Case Nos.163 of 2016 as well as 165 of 2016. Aurai P. S. Case No.166 of 2016 has been on behalf of appellants' side. It is further evident that after getting information regarding commotion was going on at the darwaza of



Rajbali Jha, police came, took both parties, that means to say, prosecution party of Aurai P. S. Case No.163 of 2016 as well as all the appellants to the police station where it has been alleged that the appellants began to assault informant of Aurai P. S. Case No.163 of 2016, which was intervened by the police official whereupon, it has been alleged that the accused persons began to assault him. Furthermore, it is evident from the case diary of Aurai P. S. Case No.163 of 2016, that no injury was found during course of confinement of the appellants as is evident from Paragraph-6 thereof. While from Paragraph-12, after registration of the Aurai P. S. Case No.164 of 2016, all the appellants have complained, whereupon injury reports were issued and as per Paras-25, 26, 27 and 28 of Aurai P. S. Case No.163 of 2016, injury report happens to be. Now, coming to Aurai P. S. Case No.164 of 2016, the informant/ Officer-in-Charge had alleged that when he intervened into the matter, the accused persons made murderous attack. However, from Para-28, a lacerated cut injury has been found over left thumb 1cm x 1/4cm x skin deep. Abrasion over chin 1.5cm x 0.5cm and swelling on the left eyebrow 1.5cm x 0.5cm. It is to be noted that whole appellants were an accused relating to Aurai P. S. Case No.163 of 2016, on account thereof, their place would have been hazat and so, the story as suggest appears to be suspicious.

That being so, appellants, **Rajbali Jha, Manoj Kumar Jha, Deep Nath Jha** and **Yetendra Nath Jha** are directed



to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge-cum-Special Judge, S.C./S.T., Muzaffarpur, in connection with Aurai P. S. Case No.164 of 2016, after setting aside the order dated 01.12.2016 passed by the 3rd Additional Sessions Judge-cum-Special Judge, S.C./S.T., Muzaffarpur in connection with Aurai P. S. Case No.164 of 2016.

Consequent thereupon, appeal is allowed.

Seen the report submitted by the learned lower Court. Whatever explanation has been given, has got no excuse. If the learned Presiding Officer found himself incapable to discharge his function in proper, legal way, he is free to resign, but lapses on his part would not be accepted.

That being so, by way of last chance, giving sermon to him to be cautious in future, show-cause is accepted.

(Aditya Kumar Trivedi, J)

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