

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39603 of 2017

Arising Out of PS.Case No. -165 Year- 2017 Thana -KATIHAR District- KATIHAR

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Shambhu Jha, son of Ghuran Jha, resident of Mohalla- Larkania Tola, P.S.
Katihar(Town), District- Katihar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Adv.

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 19-08-2017 Heard Sri Bimal Kumar, learned counsel for the
petitioner and learned Addl. Public Prosecutor.

The sole petitioner, who is husband of the informant, has prayed for grant of bail in the event of his arrest or surrender in Katihar Town P.S. Case No.165 of 2017 registered for the offence under Sections 307, 324, 326/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that of course, in the F.I.R, the informant, who is wife of the petitioner, has made specific accusation that while attending her ailing father in Sadar Hospital, the petitioner along with his father and other close relatives arrived and assaulted the informant with knife and, thereafter, she became unconscious. Subsequently, on her statement, an F.I.R. was lodged, but during investigation a



different picture has come and the police found that the informant was virtually, due to some family dispute, assaulted by her own brother Hira Kant Jha and , as such, after investigation, the police submitted chargesheet against own brother of the informant vide Chargesheet No.125 /2017 and exonerated the petitioner and all F.I.R. named accused persons. However, after submission of final report, the learned Magistrate differing with the police report has taken cognizance against the petitioner and, as such, now the petitioner is apprehending is arrest.

Considering the fact that during statutory investigation, the accusation against the petitioner was not found true and final report was submitted exonerating the petitioner, at least there is case of extending the privilege of anticipatory bail. Accordingly, let the petitioner, namely, Shambhu Jha , in the event of his arrest or surrender within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Katihar Town P.S. Case No.165 of 2017, subject to condition as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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