

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.59245 of 2017**

Arising Out of PS.Case No. -149 Year- 2017 Thana -WARISNAGAR District- SAMASTIPUR

- =====
1. Bishwambhar Jha Son of late Gaya Jha
  2. Ratnesh Kumar Jha alias Ratnesh Jha Son of late Gaya Jha Both residents of village - Hansa Ekdwari, P.S. - Warisnagar, District - Samastipur
  3. Jai Chandra Jha son of late Ramrup Jha Resident of village - Bathnaha, P.S. Hathauri, District Samastipur.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Jitendra Narain Sinha  
For the Opposite Party/s : Mr. Sri Tarkeshwar Nath Thakur

=====

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL ORDER**

2      13-12-2017                      Heard learned counsel for the petitioners and  
  
learned counsel for the State.

The petitioners seek pre-arrest bail in connection with Warisnagar P.S.Case No. 149 of 2017 registered under Sections 147, 148, 149, 341, 323, 307 and 302 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners that it is a case either of false implication or over implication. He submitted that the alleged occurrence took place on 31.05.2017 but for no justifiable reason the fardbeyan was given to the police on 08.06.2017 pursuant to which the FIR was



instituted on 16.06.2017. He contended that though in the FIR it is alleged that altogether 7 named accused persons and 15 unknown accused persons assaulted the father-in-law of the informant but in the post-mortem examination the doctor could find only one injury caused by hard blunt substance.

Learned counsel for the informant opposed the application for grant of pre-arrest bail to the petitioners. He submitted that the fardbeyan was lately recorded as the victim was in emergency ward of PMCH, Patna and the family members were involved in his well being first than instituting the FIR. He submitted that though only one injury was found in the post mortem examination, all the accused persons named in the FIR are equally responsible for the murder of the father-in-law of the informant.

Keeping in mind the allegations made in the FIR and the submissions made on behalf of the parties, in the event of arrest or surrender before the court below within four weeks from today, the petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur in connection with Warisnagar P.S.Case No. 149 of 2017, subject to the conditions



as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Ashwani Kumar Singh, J)**

Pradeep/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

