

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1336 of 2016

Arising Out of PS.Case No. -163 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-
 Ratwara, P.S. Aurai, District- 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. -Special P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 08-02-2017

Heard learned counsel for the appellants as well as learned

Special Public Prosecutor.

There happens to be case and counter-case for an occurrence whereunder both the parties have claimed to have sustained injuries. The genesis for occurrence is, as admitted in both the cases, demand of Aadhar Card, which is being made available through postal process. The prosecution party has alleged that they were making repeated demand, but on one pretext or other, accused/ appellant Rajbali Jha, a Post Master declined to handover the same and lastly, on the alleged date which happens to be a Sunday, been shown at the end of the appellants to be a holiday on which, the postal activity was closed, on account of demand, they were assaulted, some of the members were tied at the *Darwaza* including other kind of criminal activities.

From the order impugned, it is evident that written report contains the photograph, which depicts two persons were kept at the place of



the appellant Rajbali Jha in tied condition.

Learned counsel for the appellants submits that all the appellants are under custody since 28.11.2016 along with the fact that case and counter-case was there, so they be enlarged on bail.

In the aforesaid facts and circumstances of the case, for the present, the prayer for bail of appellant **Rajbali Jha** is rejected and instant appeal to that extent is dismissed.

With regard to remaining appellants namely, **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, Muzaffarpur in connection with Aurai P. S. Case No.163 of 2016 and accordingly, the order impugned dated 01.12.2016 passed in connection with Aurai P. S. Case No.163 of 2016 is set aside to that extent, whereupon instant appeal is allowed with regard to their interest.

(Aditya Kumar Trivedi, J)

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