

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.956 of 2017

Arising Out of PS.Case No. -432 Year- 2015 Thana -BAHERA District- DARBHANGA

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1. Radha Kant Jha, Son of Pramod Jha.
2. Binit Jha, Son of Pramod Jha.
3. Suman Jha, Son of Sri Binit Jha, All residents of Village- Basuham,
Police Station- Bahera, District- Darbhanga.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha

For the Opposite Party/s : Mr. Ahtash Ali Khan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 31-01-2017 The petitioners are apprehending their arrest in connection with Bahra P.S. Case No. 432/2015, registered for offence punishable under Section 341, 323, 504 and 354/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that as a matter of fact there was loan of Rs. 5,000/- given to the husband of the informant for running shop and when the petitioners went to demand the same, they have been implicated this false and concocted case and it is a village dispute. It has further been submitted that there is delay of three days in lodging of F.I.R.

Heard learned A.P.P. who has opposed the prayer



for anticipatory bail of the petitioners stating that petitioners no.1 demanded some article on credit at the Kirana shop of the informant, whereupon the informant asked him to pay previous dues but instead of paying previous dues, all the petitioners assaulted her and even got her naked and also taken away of Rs. 10,000/- cash.

Having heard learned counsel for both sides and in view of the allegations leveled against the petitioners, the prayer for anticipatory bail on behalf of petitioner nos. 1 and 2 is rejected.

However, the petitioner Nos. 1 and 2 are directed to surrender in the court below and seek regular bail and the learned court below will pass appropriate order on the bail application of the petitioners without being prejudiced by this order.

So far petitioner no.3, namely, Suman Jha is concerned, he is student and no specific allegation has been leveled against him, let the petitioner no.3 above named in the event of his arrest or surrender in the Court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Benipur, Darbhanga in



connection with Bahera P.S. Case No. 432/2015, subject to the conditions laid down under Section 438(2) Cr.P.C.

This is subject to the conditions that one of the bailors should be a local person having sufficient immoveable properties within the jurisdiction of the court concerned, and further he will co-operate in the investigation of the case and make himself available before the police/court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bond shall be liable to be cancelled and he will not take any step to tamper with the evidence of the case.

(Vinod Kumar Sinha, J)

A.I./-

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