

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57872 of 2018

Arising Out of PS. Case No.-145 Year-2018 Thana- BAHERI District- Darbhanga

Shambhu Jha, Son of Sri Raj Narain Jha, Resident of Village - Dheoukh, P.S.
- Bahera, District - Darbhanga.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durga Nand Jha, Adv.
For the Opposite Party/s : Mr. Nityanand, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-09-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 337, 379 and 307 of the Indian Penal Code.

The prosecution case as per the written report of Lal Jha, dated 03.05.2018, submitted to the Station House Officer, Bahera Police Station, is to the effect that on 03.05.2018 at 6 PM, ten FIR named accused persons including the petitioner and 15 to 20 unknown persons came and on the instigation of Baidhnath Jha, they started demolishing the boundary wall of the brother of the informant. The accused persons also started pelting stones. It is alleged that co-accused Shyam Chandra Jha, Ganesh Jha and Shiv Kumar Jha, assaulted the informant and



his brother by Bhala, Farsa and Axe, as result of which, the informant got seriously injured and brother of the informant fell unconscious and when the other brother of the informant, Vishundeo Jha and nephew of the informant, Chandan Jha came to rescue them, then they were also assaulted.

It is submitted by learned counsel for the petitioner that in the background of land dispute and pendency of two title suits being Title Suit Nos. 26 of 2016 and 10 of 2017, and a proceeding initiated under Section 144 Cr. P.C., the accusation has been levelled. There is no specific accusation of assault against the petitioner. The injuries of the informant's side have been found to be simple, as recorded by the learned Sessions Judge in the impugned order. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that accusation of assault is omnibus and general against the petitioner.

Considering the nature of accusation levelled in the background of land dispute and pending title suits, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of



arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Darbhanga in connection with Bahera P.S. Case No. 145 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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