

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53121 of 2017

Arising Out of PS.Case No. -111 Year- 2017 Thana -MAHNAR District- VAISHALI(HAJIPUR)

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1. Bindeshwar Jha, S/o Late Ghamandi Jha,
2. Shri Kant Jha, S/o Sh. Bindeshwar Jha,
3. Lakshman Jha, S/o Shri Shrikant Jha,

Both R/o Village- Mahindwara, P.S.- Mahnar, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Namrata Mishra, Advocate.
For the Opposite Party/s : Mr. Narendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 21-03-2018

Heard learned counsel for the petitioners and the State.

Learned counsel for the petitioners is permitted to make necessary correction in the name of father of petitioner No. 2 during course of the day.

The petitioners apprehend their arrest in **Mahnar P.S. Case No. 111 of 2017** instituted for the offence under Sections 447, 341, 323, 324, 307, 448, 380, 504 and 506 of the Indian Penal Code.

It is alleged by the informant Jagdish Jha that on 16.5.2017 at about 4:00 p.m. while he was sitting in his house along with his family members and relatives, the accused persons armed with *Farsa, Garansa, danda* etc. came there. Thereafter, petitioner Nos. 1 and 2 gave Farsa blow on his head, as a result of which, the blood started oozing from his head and when he fell on the ground, co-



accused Shatrughan Jha assaulted him with danda. It is further alleged that when his relatives came to rescue him, accused petitioner No. 2 gave *Garansa* blow on the head of his nephew (*Bhagina*) as a result of which he also sustained head injury and fell down on the ground. Thereafter, petitioner Nos. 2 and 3 tried to cut the left leg and fingers of Sudhir Pandey. The allegation against petitioner No. 3 is that he along with petitioner No. 1 assaulted the son of *Samdhi* of the informant with *Hasua*.

Learned counsel for the petitioners has submitted that there is land dispute between the parties. The petitioner No. 1 aged about 70 years is own brother of Shatrughan Jha who is brother-in-law (*Bahnoi*) of the informant. Shatrughan Jha does not have own children. He has adopted son of his brother Bindeshwar Jha which was not liked by the informant and he has greedy eyes on the property of petitioner No. 1. It has further been submitted that Shatrughan Jha has earlier filed Nagar Hajipur P.S. Case No. 753 of 2016 against the informant on 31.10.2016 prior to filing of the present case. The instant case has been filed as a counter blast of Nagar Hajipur P.S. Case No. 753 of 2016.

Case diary has been received.

The injury report of both the injured is available in paragraphs-25 and 27 of the case diary wherein the Doctor has kept the opinion reserved. The Doctor has found lacerated wound on the scalp of the injured.

Considering the facts and circumstances of the case,



prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Mahnar P.S. Case No. 111 of 2017**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Hajipur**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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