

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1468 of 2019

Arising Out of PS. Case No.-190 Year-2018 Thana- RAJNAGAR District- Madhubani

1. SHUSHIL KUMAR JHA Son of Indra Narayan Jha, Resident of Village-Rampatti Shriganj, P.S-Raj Nagar, District-Madhubani.
2. Sunil Kumar Jha @ Sunil Jha Son of Indra Narayan Jha, Resident of Village-Rampatti Shriganj, P.S-Raj Nagar, District-Madhubani.
3. Laltan Jha Son of Sunil Kumar Jha, Resident of Village-Rampatti Shriganj, P.S-Raj Nagar, District-Madhubani.
4. Dhiraj Jha @ Dheeraj Jha Son of Sushil Kumar Jha Resident of Village-Rampatti Shriganj, P.S-Raj Nagar, District-Madhubani.
5. Vivek Jha Son of Late Vimal Jha, Resident of Village-Rampatti Shriganj, P.S-Raj Nagar, District-Madhubani.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Leelawati Kumari
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 12-04-2019

The appellants seek pre arrest bail in connection with Raj Nagar P.S. Case No. 190 of 2018 registered for offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379, 448, 504 of the Indian Penal Code and Section 3 (i)(r)(s)/3(2)(va) of SC/ST Act.

Allegation as per F.I.R is that appellants and other accused persons came and abused the informant by caste name and on protest appellant no. 4 assaulted him on his head by means of sword, appellant no. 3 assaulted one Santosh Ram and sister-in-law. Thereafter, the appellants entered inside the house and assaulted the



wife of informant and taken away ornaments.

It has been submitted on behalf of the appellants that there is case and counter case between the parties and the persons from the appellants' side have also received injuries and so far appellant nos. 1, 2 and 5 are concerned, no specific allegation of assault has been attributed to them.

Learned counsel for the state opposed the prayer for bail and submitted that the injuries caused to the informant was found to be grievous in nature and that has been attributed to appellant no. 4 and further all the appellants have equally participated in the occurrence.

Having heard both sides, considering the facts and circumstances of the case, so far appellant no. 4 is concerned, I am not inclined go grant the privilege of pre-arrest bail to him rather he should surrender before the concerned court below and pray for regular bail.

So far other appellants are concerned, in the event of their arrest or surrender before the Court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Madhubani, in connection with Raj Nagar P.S. Case No. 190 of 2018, subject to the conditions laid down under Section 438 (2) of



Cr.P.C.

Accordingly, the appeal with regard to appellant nos. 1, 2, 3 and 5 is allowed and impugned order with respect to them is set aside.

(Vinod Kumar Sinha, J)

sunilkumar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

