

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28377 of 2019

Arising Out of PS. Case No.-14 Year-2019 Thana- BAHERA District- Darbhanga

1. Triveni Jha.
2. Ashok Kumar Jha both Sons of Late Yoganand Jha Resident of village-
Nawada, P.S.- Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yashraj Bardhan

For the Opposite Party/s : Mr.Manish Kumar No2

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-07-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 406 and 420 of the Indian Penal Code.

The prosecution story, in brief is that petitioner no. 1 had bought grocery items on credit of Rs. 55,000/- and borrowed about Rs. 80,000/- from informant during December 2014 for marriage of his daughter and whenever, he demanded it, he pretended one or the other thing. It is further alleged that on 23.12.2018 at about 10AM, he demanded his money from petitioner no. 1 then he took time of 5 days, but when informant reached at his house for money, he refused to make payment. It



is alleged that petitioner no. 2 tied him with towel and toppled down on earth and in the meantime, petitioner no. 1 took out lathi and started beating him. On noise, villagers came and he could be saved.

It has been submitted on behalf of the petitioners that they are innocent, bear no criminal antecedent and have been falsely implicated in the present case. He further submits that petitioner no. 1 is an old person and petitioner no. 2 is suffering from illness and he is being treated at Gongaram Hospital at New Delhi. The informant has implicated the petitioners only to get shield from Bahera P.S. Case No. 11 of 2019 dated 05.01.2019 under Sections 147, 149, 323, 341, 504, 506 and 447 I.P.C. instituted by petitioner no. 1 against the informant and thereafter the informant lodged the present case. He further submits that the date of occurrence for the alleged offence is 30.12.2018 but F.I.R. has been lodged on 06.01.2019.

In the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the



satisfaction of the learned A.C.J.M., Benipatti, Darbhanga in connection with Bahera Police Station Case No. 14 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioners shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

(Anjani Kumar Sharan, J)

devendra/-

U		T	
---	--	---	--

