

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40143 of 2019

Arising Out of PS. Case No.-33 Year-2019 Thana- BHARGAMA District- Araria

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1. VIJAY KANT JHA Son of Late Radha Kant Jha Resident of Village-Kushmaul, Police Station-Bhargama, District-Araria.
 2. Gulab Devi Wife of Bijay Kant Jha Resident of Village-Kushmaul, Police Station-Bhargama, District-Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Singh

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 01-07-2019 Heard both sides.

The petitioners apprehend their arrest in Bhargama P.S. case No. 33 of 2019 registered under Section 307, 379, 324 and other minor Sections of the IPC.

The informant alleged that his brother Vijay Kant Jha, petitioner No.1, picked up quarrel for partition of lands although partition took place many years ago. It is further alleged that some verbal altercation took place between two brothers and on such petitioner No.1 is said to have assaulted the informant with Lathi. Sanjeev Kumar, son of petitioners, is alleged to have assaulted the informant with Farsa on his head.

The learned counsel for the petitioners submits that



there is counter version being Bhargama P.S. case No. 34 of 2019. The petitioner No.1 is alleged to have assaulted the informant with Lathi but no corresponding injury was found on the person of informant. Only one injury is found on the person of informant which is caused by sharp cut weapon and Sanjeev Kumar, son of petitioners, is author of that injury. The learned Sessions Judge also found only one injury after perusal of paragraph 14 of the case diary.

It appears that petitioner No.1 is brother of informant and petitioner No.2 is wife of petitioner No.1. The petitioner No.1 is alleged to have assaulted the informant with Lathi but no corresponding injury was found on the person of informant, Tarakant Jha. Sanjeev Kumar, son of the petitioners, is alleged to have assaulted the informant with Farsa and it appears from perusal of the order of learned Sessions Judge that only one incised wound was found on the parietal bone of the informant and nature of injury is opined to be grievous.

Taking into consideration the facts that petitioner No.1 is alleged to have assaulted the informant with Lathi but no corresponding injury was found, there is counter version and the occurrence took place due to partition of lands between two brothers, the petitioners, above named, in the event of their



arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st class, Araria in connection with Bhargama P.S. case No. 33 of 2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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