

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56227 of 2019

Arising Out of PS. Case No.-139 Year-2019 Thana- SAHARSA District- Saharsa

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1. KAMLESH JHA, aged about 70 years, Male, Son of Late Abhinandan Jha, Resident of Village- Chainpur, P.S.- Bangaon, District- Saharsa, at present resident of Pashupalan Colony, P.S. and District- Saharsa
 2. Raushan Jha @ Roshan Kumar Jha @ Raushan Kumar, aged about 28 years, Male, Son of Kamlesh Jha, Resident of Village- Chainpur, P.S.- Bangaon, District- Saharsa, at present resident of Pashupalan Colony, P.S. and District- Saharsa
... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Pramod Mishra, Adv.

For the Opposite Party : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 04-09-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Saharsa Sadar P.S. Case No. 139 of 2019 for the offences alleged under Sections 341, 323, 384, 307, 379, 504, 506 and 34 of the Indian Penal Code.

The accusation is that while the informant, Ajay Kumar, in the evening of 14.02.2019, was returning to his house after meeting his friend, in the way both the petitioners, along with four unknown, having pistol, rod and lathi, surrounded him and started to abuse saying that why the ransom of Rs.50,000/-, as demanded, has not been paid. While the informant, tried to



flee away petitioner no. 1, Kamlesh Jha, caught hold him from behind and his son, petitioner no. 2, Raushan Jha, opened fire touching at his temple, but, fire was missed. Thereupon, petitioner no. 2 caused assault through butt of the pistol twice.

The submission of the learned counsel for the petitioners is that in fact both the petitioners are father and son in relation and co-villagers of the informant and due to dirty village politics both the petitioners have been implicated with false allegation in this case. Injuries, as found on the person of the informant, are simple in nature.

Mr. Pramod Mishra, learned counsel for the petitioners, at Bar, submits that while petitioner no. 1 is accused in five cases and petitioner no. 2 in two cases due to dirty village politics, but, in all cases the petitioners are on bail.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Saharsa Sadar P.S. Case No. 139 of 2019 shall be released on pre-arrest bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the



like amount each to the satisfaction of the Chief Judicial Magistrate, Saharsa, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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