

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63807 of 2019

Arising Out of PS. Case No.-71 Year-2016 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. AJEET KUMAR JHA @ AJEET JHA Son of Sita Ram Jha Resident of Village- Hirani, P.S.- Kusheshwar Sthan, District- Darbhanga.
 2. Amit Kumar Jha @ Amit Jha Son of Sita Ram Jha Resident of Village- Hirani, P.S.- Kusheshwar Sthan, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 24-10-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 341, 323, 324, 337, 307, 504 and 506 of the Indian Penal Code, registered in connection with Kusheshwar Sthan P.S.Case No. 71 of 2016.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of partition dispute and there is case and counter case between the parties, who are agnates. The petitioners are alleged to have assaulted the informant with *Farsa* and dagger, but in any event the order of the learned Sessions Judge, Camp Court at Benipur, Darbhanga, does not



indicate that any of the injuries are grievous in nature. The petitioners claim clean antecedents.

4. Learned APP refers to the order of the learned Sessions Judge to submit that the injured persons had suffered multiple injuries.

5. Be that as it may, in the event of petitioners' arrest or surrender within four weeks hereof, let the above named petitioner be released on provisional bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each to the satisfaction of learned ACJM, Biraul, Darbhanga in connection with Kusheshwar Sthan P.S. Case No. 71 of 2016, subject to the conditions as laid down under Section 438(2) Cr. P.C. and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioners.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.



(iv) That the petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned court concerned.

6. The provisional bail granted to the petitioners shall be confirmed by the learned court below upon verification within a further period of four weeks after furnishing bail bonds that no grievous injury has been sustained by the informant's side, conversely their bail bonds shall stand automatically cancelled.

(Vikash Jain, J)

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