

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28688 of 2020**

Arising Out of PS. Case No.-12 Year-2020 Thana- SHRI NAGAR District- Madhepura

PANKAJ KUMAR JHA S/o Late Krishnachandra Jha Resident of Village-  
Ramnagar Mahesh, Ward No.11, P.S.-Srinagar, District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Samrendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Sushil Kumar Jha, APP.

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      16-12-2020

As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Mr. Sushil Kumar Jha, APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

. This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner apprehends arrest in Srinagar PS Case No. 12 of 2020 registered under Sections 341, 323 and 307/34 of the IPC.

The informant has alleged that he had gone to meet Pranav Kumar Jha at his darwaja and demanded partition papers of his family. The instant petitioner and one Manas Jha are said to have assaulted him with iron rod, particularly on the head by the petitioner.



Learned Counsel for the petitioner submits that repeated blow is alleged against co-accused Manas Jha. The order of the court below would show that nature of injury sustained by the victim are simple. The scuffle has taken place on account of land dispute between the parties for which Title Suit is also going on. The FIR has been lodged on 15.3.2020 in respect of alleged occurrence of 20.2.2020 which is clear indication of the implication being based on extraneous consideration.

Learned APP for the State has opposed the prayer for anticipatory bail.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

Accordingly, let the petitioner above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, Madhepura in Srinagar PS Case No. 12 of 2020 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

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