

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 61561 of 2019

Arising Out of PS Case No.-188 Year-2019 Thana- BAHERA District- Darbhanga

Vishnudeo Jha (M), aged about 58 years, Son of Late Lakshmi Narayan Jha @ Laxmi Jha @ Laxmi Narayan Jha, Resident of Village - Dherookh, P.S.- Bahera, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brisketu Sharan Pandey, Ms. Aprajita and Ms. Kumari Shubham, Advocates
For the State	:	Mr. Anuj Kumar Shrivastava, APP
For the Informant	:	Mr. Shree Ganesh, Advocate

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 05-03-2020

Heard learned counsel for the petitioner; learned A.P.P. for the State and learned counsel for the informant, who has *suo motu* appear.

2. The petitioner apprehends arrest in connection with Bahera PS Case No. 188 of 2019 dated 01.05.2019 instituted under Sections 147, 149, 341, 323, 354 (A), 307, 379 and 504 of the Indian Penal Code.

3. The allegation against the petitioner and six others is of assault by *Lathi* and *Danda* causing injury on two persons and also taking away of articles worth Rs. 3,00,000/- and cash Rs. 40,000/-.



4. Learned counsel for the petitioner submitted that the present case is a counter blast to Bahera PS Case No. 145 of 2018 registered under Sections 147, 148, 149, 341, 323, 324, 337, 379 and 307 of the Indian Penal Code in which the police has submitted chargesheet against the present informant and cognizance has also been taken. It was submitted that on the day the revision filed against such order of cognizance was rejected, the present case has been filed, i.e., 01.05.2019. Learned counsel submitted that though the allegation against the petitioner is of having given blow on the head leading to serious injury and bleeding, but in the injury report, only abrasion and swelling has been found, which are simple in nature caused by hard blunt substance. Learned counsel submitted that co-accused Chandan Jha as also other accused persons have been granted bail by the Court below and also some accused have been granted anticipatory bail by the Court below. It was further submitted that the petitioner has no other criminal antecedent.

5. Learned APP submitted that the petitioner is accused of inflicting iron rod blow on the head. However, from the case diary, he admitted that the injury report discloses only lacerated abrasion and swelling and the same has been found to be simple in nature.



6. Learned counsel for the informant submitted that the accused have threatened witnesses who have given written complaint to the police which has been noted in the case diary. It was further submitted that the petitioner having given blow on the head, which has caused injury, should not be granted the privilege of anticipatory bail. Learned counsel further submitted that Bahera PS Case No. 145/2018, filed by one of the accused Lal Jha was in fact counter blast to Bahera PS Case No. 144 of 2018, filed by one of the family members of the informant.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Darbhanga in Bahera PS Case No. 188 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

8. One of the bailors shall be a close relative of the petitioner. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any



criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

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