

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.994 of 2020**

Arising Out of PS. Case No.-97 Year-2019 Thana- ANGARGHAT District- Samastipur

1. Prabhat Kumar Jha S/o Jagarnath Jha Resident of Village- Supoul Ward No.6, P.S.- Angarghat, Distt- Samastipur.
2. Avinash Kuamr Jha @ Avinash Kuamr Son of Satyendra Jha Resident of Village- Supoul Ward No.6, P.S.- Angarghat, Distt- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Mukesh Kumar No1, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      20-02-2020              Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail petition of petitioner no. 2, as during pendency of this case, petitioner no. 2 has already been arrested.

Prayer is allowed. The anticipatory bail petition of petitioner no. 2 is dismissed as withdrawn being infructuous.

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

The petitioner apprehends his arrest in **Angarghat P.S. Case No. 97 of 2019**, registered for the offence punishable under Sections 323, 341, 324, 307 and 34 of the Indian Penal Code and sections 25(1-B)A, 26, 27 and 35 of the Arms Act.



The informant alleged that on 13.10.2019 at 5 'O' clock he went at the filed of Middle School where some boys were playing Kabaddi. Guddu Kumar Jha called him on his mobile and asked about his whereabouts then he replied that he is at the Middle School. Thereafter, four persons came on motorcycle namely, Guddu Kumar Jha, Prabhat Kumar Jha (Petitioner no. 1), Avinash Kumar Jha (petitioner no. 2) and Tripurari Jha came armed with lathi, Danda and weapons and started to assault him. Thereafter, Prabhat Kumar Jha fired upon him with his pistol which did not him.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case due to enmity. It is simply a case of Marpit between the parties during playing Kabaddi. Injuries sustained are simple in nature. Moreover, both parties have filed a compromise petition before the court below which is annexed as Annexure-3.

Considering the facts aforesaid, Prabhat Kumar Jha petitioner no. 1 in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the



satisfaction of the learned **Additional Chief Judicial Magistrate VI, Samastipur** in connection with **Angarghat P.S. Case No. 97 of 2019**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

**(Prabhat Kumar Singh, J)**

vinita/-

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