

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22156 of 2021**

Arising Out of PS. Case No.-217 Year-2019 Thana- KHAJAULI District- Madhubani

1. Anish Jha @ Anish Kumar Jha, aged about 27 years (male), son of Dayakant Jha.
2. Sunny Kumar Jha, aged about 25 years (male), son of Dayakant Jha.
Both resident of Village- Marukhiya, P.S- Khajauli, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Jha, Advocate
For the State	:	Ms. Veena Rani Prasad, APP

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

Date : 27-08-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Ashok Kumar Jha, learned counsel for the petitioners and Ms. Veena Rani Prasad, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with Khajauli PS Case No. 217 of 2019 dated 06.12.2019, instituted under Sections 341, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code.

4. The allegation against the petitioners, who are brothers, the petitioner no. 1 being Managing Director of Swami Vevekanand Public School, is of assaulting the informant, who was working as a driver of the vehicle which was hired, due to



his demanding his wages and specifically against the petitioner no. 1 of inflicting knife blow on the head. Further, against the petitioner no. 2, it has been alleged that he snatched the gold chain from the neck of the informant worth Rs. 60,000/-.

5. Learned counsel for the petitioners submitted that prior to the present case, the petitioner no. 1, who is the Managing Director of the school, had instituted Khajauli PS Case No. 216 of 2019 against the informant and others in which it is alleged that the present informant had come to the school in a drunken state and was reprimanded due to which he had started fighting and had called his other colleagues and besides assaulting had also misbehaved with other teachers of the school, including ladies. It was further submitted that the present case has only been filed as a counter blast. Learned counsel drew the attention of the Court to the injury report which discloses that the injury has been found by the doctor to be simple in nature and though it has been found that there was one incised wound on the forehead which was simple in nature caused by a sharp cutting subject, which has been opined to be small one like blade etc. Learned counsel submitted that the same is self-inflicted. It was submitted that even otherwise, it is not fit to be believed that the petitioner no. 1 in his Chamber in his own school would keep a knife in his pocket and take it out



to attack. Further, he submitted that the falsity of the case would be apparent from the fact that a driver, who is hard pressed for money, cannot be believed to be wearing a gold chain worth Rs. 60,000/-, which is alleged to have been snatched by the petitioner no. 2. Learned counsel submitted that the petitioners have no criminal antecedent.

6. Learned APP submitted that the petitioners had assaulted the informant, who had gone to demand his wages.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, taking an overall view, there are indications that what has been alleged in the present case may not be the correct facts, more so, in view of there being an earlier case filed by the petitioner no. 1 against the informant with the allegation that he had come in a drunken state and misbehaved and also assaulted the teachers as well as the petitioners after calling his friends and the wound inflicted being simple in nature as also the petitioners having clean antecedent, the Court is inclined to allow the prayer for pre-arrest bail.

8. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the



like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-III, Madhubani, in Khajauli PS Case No. 217 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioners, and (iii) that they shall cooperate with the Court and the police/prosecution. Any violation of the terms and conditions of the bonds or undertaking or failure to cooperate shall lead to cancellation of their bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

10. The petition stands disposed of in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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