

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2421 of 2021

Arising Out of PS. Case No.-136 Year-2020 Thana- MADHUBANI TOWN District-
Madhubani

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1. Purushottam Jha, S/o Late Jagdish Jha
 2. Sahdev Thakur, S/o Late Phudan Thakur
 3. Baijnath Mishra @ Vidya Mishra, S/o Shri Mahendra Mishra @ Phekan Mishra
 4. Santosh Kumar Jha @ Santosh Jha, S/o Shri Ashok Jha
 5. Ashok Jha, S/o Late Jagdish Jha
 6. Jagannath Mishra @ Khurkhur Mishra, S/o Shri Mahendra Mishra @ Phekan Mishra
- All R/o- Village-Sundarpur Bhitthi, P.S-Nagar (Madhubani Town), District-Madhubani.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Awadhesh Kumar, Adv.

For the Respondent/s : Ms. Usha Kumari-1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 24-08-2021 Heard the counsel for the parties.

The appellants have challenged the order dated
29.01.2021 passed by the learned 1st Addl. Sessions
Judge-Cum-Special Judge, Madhubani in connection with
Nagar (Madhubani Town) P.S. Case No. 136 of 2020,
dated 03.06.2020, instituted for the offences under
Sections 341, 323, 324, 307, 302, 379, 427, 452, 504,



506 and 34 of the Indian Penal Code and Sections 3(1)(r) and 3(2)(va) of the S.C./S.T. (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

It is alleged that during the course of measurement of land over which there is a competing/rival claim of the parties, the accused persons including the appellants resorted to firing which has led to death of one of the victims.

It has been urged on behalf of the appellants that there is a background fact of the informant making attempts at grabbing the land of the appellants for which a case also was lodged earlier. In the present instance, the land which is claimed by the informant is not his. This, it has been argued, becomes very clear from the report of the Sub-Divisional Magistrate, Sadar, Madhubani. It has further been submitted that the firing resorted to by one of the accused persons, who is not one of the appellants in this *memo* of appeal, has led to death of one of the victims.



However, regard being had to the fact that one person has lost his life and some others have received injuries by gunshot and the appellants have been named in the F.I.R., I am not inclined to interfere with the order impugned in the present appeal, whereby the prayer for grant of anticipatory bail of the appellants has been rejected.

The appeal is dismissed.

However, if the appellants surrender before the Court below and seek bail, their application shall be considered on its own merits, after taking into account the afore-noted background facts, without being prejudiced by the fact that the present appeal has not been entertained by this Court.

(Ashutosh Kumar, J)

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