

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27126 of 2020

Arising Out of PS. Case No.-15 Year-2020 Thana- BANDHUWA KURAWA District- Banka

1. LAXMI JHA Son of Late Amit Jha Resident of Village - Faga, P.S.- Badhua Kurawa and District - Banka
2. Mithun Jha Son of Laxmi Jha Resident of Village - Faga, P.S.- Badhua Kurawa and District - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Dhananjay Kumar Pandey, Advocate
For the State	:	Smt. Renu Kumari, APP
For the informant	:	Mr. Ajay Mukherjee, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 02-02-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant.

The petitioners seek bail in Badhua Kuaawa P.S. case No.15 of 2020 registered under Sections 341, 323, 325, 307, 326, 504 of the Indian Penal Code, pending in the court of Chief Judicial Magistrate, Banka. Later on Section 302 of I.P.C. has been added.

Allegation is that the petitioners assaulted the informant and his father by means of lathi and farsa, on account



of which they sustained grievous injuries. Later on, father of the informant succumbed to the injuries.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 08.03.2020 and have got no criminal antecedent. Charge sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. There is allegation of assault alleged against the petitioners and other accused persons, who are said to have assaulted with lathi and farsa. One lacerated wound on scalp of the deceased is said to have been found. Subsequently the deceased succumbed to the said injuries. Earlier the case was instituted for an offence under Section 307 of I.P.C. Later on, Section 302 of I.P.C. has been added. It is further submitted that due to very petty reasons, free fight is said to have taken place between the parties and on the spur of the moment assault is said to have been made upon the victim/deceased. There is no premeditation of mind for committing the alleged offence.

On behalf of the State and learned counsel for the informant, it is submitted that the petitioners are named in the F.I.R. The petitioners are said to have assaulted the deceased.



The postmortem report also corroborates with the allegations made in the F.I.R.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioners. The same is rejected.

The Trial Court is directed to take all necessary steps to conclude the trial preferably within a period of nine months from the date of receipt/production of a copy of this order.

(Sudhir Singh, J)

Narendra/-

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