

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39773 of 2020

Arising Out of PS. Case No.-200 Year-2020 Thana- HATHAURI District- Muzaffarpur

1. KAMAL NATH JHA Son of Late Binde Jha @ Bindeshwar Jha Resident of Village- Sohjan Dih, P.S.- Hathauri, Distt- Muzaffarpur.
2. Vijay Jha Son of Kamal Nath Jha Resident of Village- Sahjan Dih, P.S.- Hathauri, Distt- Muzaffarpur.
3. Dhiraj Kumar Son of Uday Nath Jha Resident of Village- Sohjan Dih, P.S.- Hathauri, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey
For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-11-2021 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the Office, within a period of eight weeks.

The petitioners are apprehending their arrest in a case registered under Sections 147, 149, 341, 323, 325, 307, 504 and 506 of the Indian Penal Code.

The prosecution allegation, in short, is that the accused persons came to the door of the informant and assaulted the informant and family members due to which they sustained



injuries.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. Specific allegation of assault is alleged against other co-accused. There is a case and counter case between the parties. A free fight is alleged to have taken place. The injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands. From perusal of the order of the Sessions Court, it appears that in spite of repeated efforts made by the Sessions Court, the injury report could not be produced by the I.O. before the Court below.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of



the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Muzaffarpur in connection with Hathauri P.S. Case No. 200/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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