

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2801 of 2021

Arising Out of PS. Case No.-40 Year-2020 Thana- BALUA BAZAR District- Supaul

PHUL JHA SON OF BHOLA JHA RESIDENT OF VILLAGE-DORARA
WARD NO 03, POLICE STATION- BALUA BAZAR (LALIT GRAM O.P),
DISTRICT- SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Ms. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 22-07-2021 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Balua Bazar (Lalit Gram O.P.) P.S.

Case No. 40 of 2020 instituted for the offences under

Sections 147, 148, 149, 341, 323, 307, 504 and 506 of the

Indian Penal Code and Section 27 of the Arms Act.

It has been alleged in the First Information Report

that the petitioner fired from his country made weapon which

hit one Raushan Kumar Jha.

Learned counsel for the petitioner has submitted

that a false case has been instituted because of land dispute.



There is a counter version of the occurrence and such case has been lodged by the brother of the petitioner against the informant of this case and others. There is an admitted land dispute and civil litigation is pending before the competent court between the parties. Surprisingly, it has been argued, the Medical Board which was constituted for deciphering the nature of injury has found the injury in the nature of an old scar and such injury has been reported to be simple in nature. Learned counsel for the petitioner, therefore, has urged that the accusation against him ought to be seen in the background of previous litigation between the parties and the injury report. The accusation against the petitioner of having fired from his country made weapon does not appear to be wholly correct.

Regard being had to the afore-noted facts, the petitioner, above named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of



the like amount each to the satisfaction of learned Judicial
Magistrate -1st Class, Supaul, in connection with Balua Bazar
(Lalit Gram O.P.) P.S. Case No. 40 of 2020, subject to the
condition laid down under Section 438 (2) of the Code of
Criminal Procedure.

(Ashutosh Kumar, J)

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