

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6622 of 2022

Arising Out of PS. Case No.-84 Year-2021 Thana- ARER District- Madhubani

1. Phul Kumar Jha @ Phul Jha @ Mintu Jha Son Of Late Maneshwar Jha (IN Fir Age Wrongly Written As 45 Years), R/O - Ram - Nagar South Tola, Ward No.14, P.S.- Arer, District- Madhubani
2. Deepak Kumar Jha @ Deepak Son Of Phul Kumar Jha R/O - Ram - Nagar South Tola, Ward No.14, P.S.- Arer, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
For the Informant/s	:	Mr. Ramakant Sharma, Sr. Advocate
For the Opposite Party/s	:	Mr. Md. Aslam Ansari, A.P.P

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

- 3 03-08-2022 Heard learned counsel for the petitioners Mr. Ajay Kumar Thakur, learned senior counsel for the informant Mr. Ramakant Sharma and learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offences punishable under Sections 341, 323, 324, 325, 354(A), 379, 504 and 506/34 of the Indian Penal Code and subsequently Section 307 of the Indian Penal Code added.

The prosecution case, in short, is that on 20.09.2021 at 07:00 am, the informant was going towards his field from his home but no sooner he reached near the house of Phul Jha @ Mintu Jha than 8 named accused persons including the accused petitioners were already there armed with *lathi*, *danda* and *rod* started assaulting him. Phul Jha and Akash Jha assaulted him



with iron rod on his body due to which his hand, back and shoulder got injured and he started crying thereafter, Deepak Jha assaulted him on his head with *farsa* which caused cut injury and blood started oozing and he fell down. On hearing his cry, the informant's elder brother Rudra Narayan Jha came for his rescue but he was also assaulted with iron rod on his head by Phul Jha due to which, he also received cut injury on his head thereafter, the informant's sister came outside and rushed for their rescue but she was also assaulted with iron rod and she has got injured.

Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. It is further submitted by the learned counsel for the petitioners that there is a land dispute between them and a case was filed for initiation of proceeding under Section 144 Cr.P.C. on 09.05.2021. It is also stated that a complaint petition no. 265 of 2021 was also filed by petitioner no. 1 against the prosecution party regarding same occurrence before the Court below which is pending. It is further submitted that in order to grab the entire property and make a pressure on the petitioners and another co-accused persons, a false case has been filed by the informant and implicated the entire family members of the petitioners. Further, it is submitted that petitioner no. 1 is a business man at Mumbai and petitioner no. 2 happens to be son of the petitioner no. 1 and



he is employee of WIPRO company as a Mechanical Engineer at Mumbai and occasionally they come at their village home for looking after their ancestral property. It is also submitted that both the sides received injury and the injury report is on record at Annexure 4 and Annexure-5. Learned counsel for the petitioners submits that the petitioner no. 1 is in custody since 09.11.2021 and petitioner no. 2 is in custody since 10.11.2021, are persons with clean antecedent and charge-sheet has been submitted in the case.

Learned A.P.P. for the State and learned senior counsel for the informant have vehemently opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of this case, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) only each with two sureties of the like amount each to the satisfaction of the learned A.D.J.M-III, Benipatti, Madhubani in connection with Arer P.S. Case No. 84 of 2021.

(Khatim Reza, J)

Gaurav Kumar/-

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