

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9400 of 2022

Arising Out of PS. Case No.-169 Year-2021 Thana- PALANWA District- East Champaran

1. INDRA KUMAR JHA S/O LATE DEONARAYAN JHA R/o village- Sukhi Semara, P.S.- Palanwa, District- East Champaran
2. Uttam Chandra Vidyarthi S/o Dilip Kumar Jha R/o village- Sihorwa, P.S.- Ramgarhwa, District- East Champaran

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. UTTAM CHANDRA VIDYARTHI DILIP KUMAR JHA SIHORWA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 22.11.2021 at about 5:00 PM, the accused persons, including the petitioners, were constructing drain on the land belonging to the informant to which the informant and his uncle objected, thereafter the accused, including the petitioners, started abusing and assaulting them, it is next



alleged that petitioner no.1 had assaulted with dab on head of the informant and injured him, thereafter petitioner no.2 and Yash Kumar Jha assaulted the uncle of the informant with lathi and rod on the whole body and also snatched gold chain from the neck of the informant.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that from side of the petitioners also Palanwa P.S. Case No. 169 of 2021 was instituted, it is next submitted that from the side of the petitioners people suffered injury and from perusal of Annexure-4 it would manifest that from the side of the petitioners Indra Kumar Jha aged about 62 years has received grievous injury, the learned counsel for the petitioners next submits that from the side of the informant also the informant and his uncle have received injuries, it is submitted that informant had sustained six injuries and the uncle of the informant had sustained seven injuries as would be evident from Annexure-3 series to the anticipatory bail application and the impugned order but all the injuries suffered by injured are simple in nature.

Learned counsel for the petitioners thus submits that even presuming what has been alleged is true without admitting



them from the side of the petitioners the injured received grievous injury and from the side and the informant the injuries were simple in nature which amply demonstrates that there was no intention on part of the petitioners to commit a serious offence, it is next submitted that admittedly petitioners are not criminal but on account of land dispute the present occurrence took place.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Palanwa P.S. Case No. 169 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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