

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12795 of 2022

Arising Out of PS. Case No.-169 Year-2021 Thana- JOGBANI District- Araria

Pawan Kumar Jha @ Lalan Jha, Son of Aartinath Jha, Resident of Village-
Bhadreshwar, Ward No. 05, P.S.- Jogbani, District- Araria, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma, Advocate

For the Opposite Party/s : Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Jogbani (Bathnaha) P.S. Case No. 169 of 2021
registered for the alleged offences under Sections 341, 323, 324,
325, 307, 379, 504, 506/34 of the Indian Penal Code.

As per the prosecution case, the petitioner and other
co-accused persons assaulted the informant and his family
members when they forbade them from cutting a *Kadam* tree.
The allegation against this petitioner is that he gave a *farsa* blow
on the brother of the informant and also tried to open fire with



his country made pistol.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case as earlier the mother of the petitioner filed a case bearing Jogbani (Bathnaha) P.S. Case No. 168 of 2021, registered under Sections 147, 149, 323, 341, 325, 379 of the Indian Penal Code, against the informant and his other family members in which the petitioner received grievous injury on his head and photographs in this regard have been brought on record as well. In order to save themselves from the prosecution, the informant lodged this false case. Even the injury stated to have been caused by *farsa* blow by this petitioner is false and concocted as the injury on the head of the brother of the informant has been found to be a lacerated wound, so giving blow by *farsa* is falsified. The petitioner has been advised for CT Scan of his head and the report shows linear and undisplaced fracture on the left temporal bone of the petitioner. From the FIR, it is also apparent that there is land dispute between the parties and the informant side came to the land of the petitioner and they are aggressors. The petitioner is in custody since 04.01.2022 and the charge sheet has been submitted.

Learned A.P.P. opposes the prayer for bail of the



petitioner submitting that there is specific allegation against the petitioner for causing injury on the head of the brother of the informant. The petitioner has got criminal antecedent.

Perused the records.

Having regard to the facts and circumstances and submissions made hereinabove and considering the case and counter case in the background of land dispute and injury received by both sides and also lack of injury on the head of the brother of the informant as alleged and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Jogbani (Bathnaha) P.S. Case No. 169 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.



(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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