

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19962 of 2022**

Arising Out of PS. Case No.-255 Year-2021 Thana- JHANJHARPUR District- Madhubani

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1. Gopal Krishna Son of Late Panna Lal Yadav R/O Vill. - Chukati, P.S.- Mansi, District - Khagaria.
 2. Abhimanyu Sharma Son of Sri Ram Naresh Sharma R/O Vill.- Tituli, P.S.- Lar, District - Deoria (Uttar Pradesh).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Basant Kumar Choudhary, Sr. Advocate
	:	Mr. Shashi Bhushan Kumar, Advocate
	:	Mr. Praveen Ranjan, Advocate
For the State	:	Mr. Vikash Kumar

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

4 29-06-2022 Heard learned senior counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Jhanjharpur P.S. Case No. 255 of 2021 registered for the offence



under Sections 323, 332, 353, 506 and 34 of the Indian Penal Code and Section 30 of the Arms Act.

The accused/petitioners are named in the F.I.R. and are in custody since 18.11.2021 as per arrest memo, though, it is mentioned in bail petition as 10.12.2021.

The allegation against the petitioners, which is based upon the written statement of Sri Abhinash Kumar, Additional District Judge- I, Jhanjharpur, that on 18.11.2021 at 2 PM both above named petitioners came to his chamber in connection with complaint petition of one Usha Devi and began to talk in loud voice. While dealing official business, both petitioners passed abusive remarks against the informant and also alleged to attack on the informant, who is a Judicial Officer, discharging his duty in capacity of Chairman of Sub Divisional Legal Service Authority (SDLSA). It has also been alleged thereof that petitioner no. 1, who is the S.H.O. Ghoghradiha, all of a sudden pointed his service pistol towards informant and threatened to do away with life.

Learned senior counsel appearing on behalf of the petitioners submitted that it is being admitted position that presence of both the petitioners in the chamber of the informant was in connection of their official assignment, arises out of



complaint lodged by one Smt. Usha Devi. It has further been submitted that Additional District Judge- I, Jhanjharpur, his bodyguard, complainant Smt. Usha Devi and her husband along with other Court staff started to assault petitioner no. 1 and also the petitioner no. 2, when tried to rescue the petitioner no.1. Learned counsel further submitted that both petitioners received life threatening injuries due to said assault, and their life could be saved only due to better medical care at Darbhanga Medical College & Hospital, Darbhanga, after hospitalization for several days. It has been submitted that though occurrence is unfortunate for an institution like judiciary, but at the same time, act of informant, who is a senior judicial officer, niether be appreciated nor be accepted, for any stretch of argument, who is otherwise, equally responsible for the image of judicial institution. It is submitted that for the same set of occurrence, the petitioner also lodged FIR against the Additional District Judge I, Jhanjharpur (informant of the present case) and others, registered as Jhanjharpur P.S. Case No. 124 of 2022. It has further been submitted that the chargesheet has already been submitted for bailable offences and under the circumstances putting the petitioners behind the bar even for a second is in violation of one of the most fundamental constitutional right of



petitioners as guaranteed under Article 21 of the Constitution of India. It has also been submitted that both the petitioners are responsible police officers (petitioner no. 1 aged about 39 years and petitioner no. 2 aged about 57 years) and have completed several years of their satisfactory police service, having no criminal antecedent and also never found involved in any similar occurrence during such long career of police service. While concluding the argument, it has been submitted that CWJC No. 19402 of 2021, which is pending before this Court, regarding occurrence, is in no way connected with the present bail petition as same is pending for consideration for larger issues, by this Court.

Sri Vikash Kumar, learned counsel appearing on behalf of the State, while opposing the prayer of bail submitted that a counter affidavit filed by Superintendent of Police, C.I.D. on behalf of the State in terms of previous order dated 22.06.2022 of this Court and conceded the fact in terms of counter affidavit that chargesheet has been submitted under section 341, 323, 506 and 34 of Indian Penal Code and Section 30 of the Arms Act against both the petitioners.

Considering the facts and circumstances as mentioned above, as investigation of this case has already been completed



for which chargesheet has been submitted under bailable offences along with the fact that both the petitioners are persons of clean antecedent, let the petitioners, above named, are directed to be released on bail in connection with Jhanjharpur P.S. Case No. 255 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Jhanjharpur, Madhubani, subject to the following conditions:

“(i) That accused/petitioners shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioners.

(ii) Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioners, duly supported by



the documents.

(iii) That one of the bailors shall be
Puja Kumari, who is the wife of petitioner
no.1 and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Shashank/-

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