

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25473 of 2022

Arising Out of PS. Case No.-875 Year-2021 Thana- KUDHNI District- Muzaffarpur

1. ANISH JHA @ RAJNISH KUMAR S/o Bipin Jha Resident of Village- Madhopur Kapur, P.S.- Kudhani, District- Muzaffarpur.
2. Uttam Jha S/o Bipin Jha Resident of Village- Madhopur Kapur, P.S.- Kudhani, District- Muzaffarpur.
3. Raja Kumar Jha @ Gautam Kumar S/o Bipin Jha Resident of Village- Madhopur Kapur, P.S.- Kudhani, District- Muzaffarpur.
4. Sangita Devi W/o Bipin Jha Resident of Village- Madhopur Kapur, P.S.- Kudhani, District- Muzaffarpur.
5. Mintu Jha S/o Baleshwar Jha Resident of Village- Madhopur Kapur, P.S.- Kudhani, District- Muzaffarpur.
6. Rahul Jha S/o Late Mahesh Jha Resident of Village- Madhopur Kapur, P.S.- Kudhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Upendra Kumar, Advocate
For the Opposite Party/s	:	Dr. Mrityunjaya Kr.Gautam, APP
For the Informant	:	Dr. Bipin Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-11-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant



alleges that the accused persons, including the petitioners, were fishing in his pond and when the same was objected, Anish fired, Raja and Vipin tied his neck by a towel and tried to strangle him, Mintu and Uttam assaulted by an iron rod causing injury on head, Rahul assaulted his brother by an iron rod causing injury on head and Sangita took away 30 kg fish from his pond.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that even presuming what has been alleged is true, without admitting, then the occurrence is alleged to have taken place on account of dispute relating to fishing which the informant claims that it was from his pond which is being disputed by the petitioner, it is further submitted that even the injuries are simple in nature and the blow was not repeated which clearly shows that petitioners never had any intention of committing a serious occurrence. Learned counsel submits that as far as allegation of taking away 30 kg fish is alleged, the same is ornamental in nature as the pond belongs to the petitioner.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the



petitioners but are not able to rebut the submissions of the learned counsel for the petitioners that the injury suffered by the injured are simple in nature and the petitioners admittedly are not criminals.

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 Court below 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 court below where the case is pending/successor court in connection with Kudhani P.S. Case No. 875 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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