

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28731 of 2022

Arising Out of PS. Case No.-295 Year-2021 Thana- SABAUR District- Bhagalpur

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PRAFULLA JHA @ PRPHUL KUMAR JHA @ PRAPHULLA KUMAR
JHA S/o Late Bhim Jha Resident of Village- Raipura, P.S.- (Sabour) Goradih,
District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajni Kant Jha, Advocate.

For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-09-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Rajni Kant Jha, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Sabour (Goradih) P. S. Case No. 295
2021 registered for the offences punishable under Sections 341,
323, 307, 379, 447, 504, 506 read with 34 of the Indian Penal
Code.

As per the prosecution case, it is alleged that on
17.11.2021, the petitioner along with four persons armed with



lathi, danda, iron rod and knife entered into the house of informant and abused and assaulted him, thereafter, the petitioner looted a gold necklace from the neck of Rinku Jha, sister of the informant and also took out Rs. 10,000/- from her purse, apart from the allegation of outraging the modesty of Rinku Jha.

Learned counsel appearing on behalf of the petitioner submitted that the present F.I.R. has been instituted at the backdrop of the dispute with regard to the panchayat election and the entire allegation is nothing but an after thought with exaggeration. It is next submitted that though, there is allegation of snatching gold chain and took out Rs. 10,000/- from the purse of Rinku Jha but nothing has been recovered from the person or possession of the petitioner. It is further submitted that so far the allegation of assault is concerned, that has been attributed against other co-accused persons and moreover, the petitioner is in custody since 18.12.2021 besides the present case, the petitioner is named in one another case relating to Bihar Prohibition and Excise Act in which he is on bail.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the nature of allegation and the



fact that nothing has been recovered from possession of the petitioner and he is in custody since 18.12.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Sabour (Goradih) P. S. Case No. 295 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed



his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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