

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31242 of 2022

Arising Out of PS. Case No.-136 Year-2022 Thana- KHAJANCHI HAT District- Purnia

1. Asha Devi @ Asha Kumari Wife Of Abhishek Kumar Jha Resident Of Village - Shiv Dham Tola Madhubani, P.S. - K. Hat, District - Purnea.
2. Abhishek Kumar Jha Son Of Awadhesh Kumar Jha Resident Of Village - Shiv Dham Tola Madhubani, P.S. - K. Hat, District - Purnea.
3. Sunil Kumar Jha @ Sudhir Jha Son Of Late Nishi Kant Jha Resident Of Village - Kukroun, P.S. Dhamdaha, District - Purnea.
4. Devendra Jha Son Of Late Harku Jha Resident Of Village - Tara Nagar, Tarbanna, Madhubani, P.S. - K. Hat, District - Purnea.
5. Shekhar Jha @ Shekhar Kumar Son Of Late Devendra Jha Resident Of Village - Tara Nagar, Tarbanna, Madhubani, P.S. - K. Hat, District - Purnea.
6. Manish Kumar Jha @ Manish Kumar Son Of Devendra Jha Resident Of Village - Tara Nagar, Tarbanna, Madhubani, P.S. - K. Hat, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Aditya Narayan Singh.1, APP
For the Informant	:	Mr. Raghav Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-09-2022 Learned counsel for the petitioners at the outset seeks permission to withdraw the anticipatory bail application of petitioner no. 2 Abhishek Kumar Jha.

Permission is accorded.

Heard learned counsel for the petitioners no. 1 and 3 to 6, the informant and learned A.P.P. for the State.

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

The petitioners no. 1 and 3 to 6 apprehend their arrest



in a case registered for the offences punishable under Sections 323, 324, 420, 406, 467, 468, 471, and 448 of the Indian Penal Code.

Learned counsel for the petitioners no. 1 and 3 to 6 submits that petitioners no. 1 and 3 to 6 are persons with clean antecedent.

The informant alleges that he was married in the year 1990 and took divorce from his wife in 2018 based on one time settlement. It is alleged that taking advantage of the dispute between informant and his wife, the accused Sudhir Jha and Purnima Devi in the educational certificate of their son Abhishek Kumar, recorded the name of the informant as father of Abhishek Kumar with an intention to grab the property of the informant, thus, informant protested on which Abhishek Kumar, Sudhir Jha and Purnima Devi assured that the father's name would be rectified in the educational certificate but the same was not done. In the year 2009, the informant along with Shekhar Jha had purchased a land jointly and in 2015 the land was partitioned and the informant on his share constructed his house in 2016. It is alleged that Abhishek Kumar based on educational certificate sought appointment as teacher without getting the father's name rectified and also started claiming



share in the land and house of the informant as his son. Further on 22.11.2021 Abhishek Kumar even assaulted him for the property, further, it is alleged that petitioners no. 1 and 3 to 6 Abhishek Kumar and other accused persons assaulted the informant and the police instituted an FIR at the behest of Abhishek Kumar and did not register the FIR of the informant, hence, the complaint petition was filed from which the present FIR arises.

Learned counsel for the petitioners no. 1 and 3 to 6 submits that petitioners no. 1 and 3 to 6 have been falsely implicated in the present case and petitioner no. 1 is wife of Abhishek Kumar, petitioner no. 4 is father-in-law of Abhishek Kumar, petitioner no. 5 and 6 are brother-in-law of Abhishek Kumar and petitioner no. 3 is father of Abhishek Kumar. Learned counsel submits that from the tenor of the allegation, it would manifest that the thrust of the allegation is against Abhishek Kumar and as far as petitioners no. 1 and 3 to 6 are concerned, they have been falsely roped in the present case in order to exert pressure on Abhishek Kumar to get the dispute settled.

Learned APP for the State and learned counsel for the informant opposed the anticipatory bail application but are



not able to meet the submission of the learned counsel for the petitioners no. 1 and 3 to 6 that petitioners no. 1 and 3 to 6 are related to Abhishek Kumar and the thrust of the allegation is against Abhishek Kumar.

Considering the submissions made by the learned counsel for the petitioners no. 1 and 3 to 6, the petitioners no. 1 and 3 to 6 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 K.Hat (Madhubani) P.S. Case No. 136 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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