

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43890 of 2021

Arising Out of PS. Case No.-37 Year-2020 Thana- KALUAHI District- Madhubani

Sri Bodh Jha Son Of Uadai Kant Jha Resident Of Village - Kalikapur, P.S.-
Kaluahi, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Smt. .Soni Srivastave, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 04-07-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Smt. Soni Srivastave, learned counsel for
the petitioner as well as Mr, Nand Kishore Prasad, learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with
Kaluahi P.S.Case No. 37 of 2020 registered for the offences
punishable under Sections 448, 341, 323, 302/34 of the
Indian Penal Code.

As per prosecution case, it is alleged that on
13.03.2020, while the informant was making protest of
fencing his homestead land, some altercation has taken
place. It is further alleged that on the aforesaid reason the



petitioner along with co-accused Amod Jha came at the house of informant in a drunken condition and started abusing and also assaulted by means of lathi and danda due to which the informant sustained severe injuries and he was taken to hospital.

It is submitted by the learned counsel for the petitioner that the occurrence has taken place on 13.03.2020 at about 12.25 and the FIR has been instituted on 14.03.2020, at about 16.30. However after nine days when the informant died during the course of treatment section 302/34 has been added. It is further submitted that from perusal of the FIR, it is evident that there is general and omnibus allegation against both the accused persons that they have assaulted the deceased by means of lathi and danda but no specific allegation has been attributed against the petitioner. It appears from the post mortem report that only bruise marks have been found over the chest and upper abdomen which ultimately resulting to the death of the deceased. It is lastly submitted that since the deceased was 85 years old and he died unfortunately because of some scuffle which was taken place between both the



parties.

On the other hand, learned APP for the State opposes the bail application of the petitioner and submits that there is specific allegation against the petitioner and one co-accused, who has brutally assaulted the informant which resultant into his death. It is also submitted that the post mortem report also corroborate the prosecution case.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that this petitioner is in custody since 24. 07.2020 and there was an admitted land dispute between the parties and moreover, there is general and omnibus allegation against both the accused persons including the petitioner, let the petitioner above named, be released on bail **after framing of the charges** on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st class, Madhubani in connection with Kaluahi P.S.Case No. 37 of 2020 with the following conditions:-

(I) One of the bailors should be the close relative



of the petitioner.

(ii) The petitioner will cooperate in the investigation as well as in conclusion of the trial.

(iii) He will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(v) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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