

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.37030 of 2022**

Arising Out of PS. Case No.-286 Year-2021 Thana- BAHERA District- Darbhanga

Chandra Narayan Jha Son Of Late Surya Narayan Jha Resident Of Village-  
Mohan Bahera, P.S.- Bahera, District- Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Madhusudan Kumar, Advocate

For the Opposite Party/s : Mr.Rita Verma, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      26-09-2022                      Heard learned counsel for the petitioner and  
learned counsel for the State.

Let the defect(s), if any, as pointed out by the office  
be removed within four weeks.

The petitioner is in judicial custody in connection  
with Session Trial No. 251 of 2022 arising out of Bahera P.S.  
Case No. 286 of 2021 for the offences under Sections 147, 148,  
149, 341, 323, 324, 307, 302 and 506 of the Indian Penal Code.

As per the prosecution story, it is alleged that all the  
accused persons armed variously became aggressor and further  
allegation is that Maharudha Jha gave 'khanti' blow to the father  
of the informant causing serious head injury and his ultimate  
death. The omnibus allegation against all the persons herein is  
of assault.



Learned counsel for the petitioner submits that specific allegation is against Maharudha Jha and this petitioner is a man of 62 years only because the matter relates to title, he has been brought within the ambit of accused persons and and he is in jail since 29.11.2021 despite the fact that he has no criminal antecedent.

Per contra, learned counsel for the informant submits that title suit is pending against them in which the petitioners are aggressor and his further statement is that since the post-mortem report shows more than one injury, the allegation against the other accused persons including the petitioner herein cannot be ignored.

Be that as it may, in the FIR, specific allegation is against Maharudha Jha of assaulting with a 'khanti' on the head of the informant's father causing his death, there is no specific allegation against this petitioner, is in custody since 29.11.2021, charge-sheet stands submitted, he has no criminal antecedent, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge, Darbhanga in connection with Session Trial No. 251 of 2022



arising out of Bahera P.S. Case No. 286 of 2021 subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

Ravi/Ajay Singh

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