

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38442 of 2022

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

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Kundan Kumar Jha @ Kundan Jha @ Jai Prakash Jha Son Of Phool Babu Jha
R/O Village- Mohan Bahera, P.,S.- Bahera, District- Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Madhusudan Kumar, Advocate
For the State	:	Mr.Lalan Kumar, APP
For the Informant	:	Mr.Munish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 21-12-2022 Heard learned counsel for the petitioner, learned APP
for the State as well as learned counsel for the informant.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with S.Tr. No. 250 of 2022 arising out of Bahera
P.S. Case No. 286 of 2021 registered for the alleged offences
under Sections 147, 148, 149, 341, 323, 324, 307, 302 and 506
of the Indian Penal Code.

As per prosecution case, in the background of land
dispute, the petitioner along with other co-accused persons
variously armed, came to the doors of the informant and on
order being given by the co-accused Maharudra Jha, all of them



assaulted the father of the informant causing serious injuries to him. When the informant and other family members went for his rescue they were also assaulted. The father of the informant died due to this assault.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The parties are agnates and admittedly there is a land dispute. There is no specific allegation against this petitioner. The specific allegation of assault by *khanti* on the head of the deceased is against co-accused Maharudra Jha. The allegation of further assault against the family members is not true. Similarly placed co-accused Chandra Narayan Jha has been granted bail by a Coordinate Bench of this Court vide order dated 26.09.2022 passed in Cr. Misc. No. 37030 of 2022. The petitioner is in custody since 15.04.2022 and charge-sheet has been submitted. The petitioner has got no criminal history.

Learned APP as well as learned counsel for the informant oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the petitioner along with other co-accused persons assaulted the informant and in this assault the father of the informant died. Learned APP further submits that the postmortem report also



shows a number of injuries and cause of death is said to be intra cranial hemorrhage and shock resulting from injuries over head.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-specific nature of allegation against the petitioner without any overt act being attributed to him and at the same time also considering specific allegation against co-accused Maharudra Jha for assault on the deceased which appears to be fatal and further considering the clean antecedent of the petitioner along with the period of the custody of the petitioner and submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Darbhanga in connection with S.Tr. No. 250 of 2022 arising out of Bahera P.S. Case No. 286 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.



(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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