

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39307 of 2022

Arising Out of PS. Case No.-214 Year-2021 Thana- KISHUNPUR District- Supaul

-
1. Kumod Jha @ Kumud @ Jaichandra Jha S/o Damar Jha @ Daya Nand Jha R/o village- Murli Ward No. 07, P.S.- Kishanpur, District- Supaul
 2. Chanchal Jha @ Chanchal Kumar Jha S/o Damar Jha @ Daya Nand Jha R/o village- Murli Ward No. 07, P.S.- Kishanpur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-11-2022 Learned counsel for the petitioners is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 354(B), 379, 307, 504, 506, 34 of the Indian Penal Code.

The prosecution case, in short, is that the accused Kumod Jha assaulted on the head of the informant by means of iron rod due to which he sustained head injury and fell down on the ground and then accused petitioner Chanchal Jha along with other co-accused persons namely Dambar Jha, Kanhaiya Jha, Pawan Jha, Gunanand Jha started assaulting the informant by



means of lathi-danda and somehow the informant stood then the accused petitioner Chanchal Jha again assaulted on his head by means of farsa. When the father of the informant, wife, sister-in-law and children came for his rescue, co-accused Dambar Jha assaulted the informant's father by means of iron-rod, due to which he sustained injuries on his hand and leg. It is further alleged that all the F.I.R. named accused persons also looted Rs. 8000/- cash from the shop of the informant.

Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that no such occurrence as alleged by the informant was ever taken place and the present case is counter blast of Complaint Case No. 609 (C) of 2021 filed by the petitioner no. 1 against the informant and other family members. He further submits that the allegation as alleged in the F.I.R. does not support by the medical evidence and they are next door neighbour.

Learned APP for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each



with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Kishanpur P.S. Case No. 214 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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.

Ibrar//-

U		T	
---	--	---	--

(Rajesh Kumar Verma, J)

