

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55761 of 2021**

Arising Out of PS. Case No.-108 Year-2021 Thana- BAKHTIARPUR District- Saharsa

NIR MOHAN JHA S/o Late Baidnath Jha @ Baijnath Jha Resident of
Village- Baghwa, P.S.- Bakhtiyarpur (O.P. Balwahat), District- Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satish Kumar Singh, Advocate.
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad, APP.
For the Informant	:	Mr. Amarnath Jha, Advocate.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 06-09-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Satish Kumar Singh, learned counsel for the petitioner, Mr. Amarnath Jha, learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Bakhtiyarpur (O.P. Balwahat) P. S. Case No. 108 of 2021 registered for the offences punishable under Sections 341, 323, 324, 307, 504 read with 34 of the Indian Penal Code.



As per the prosecution case, it is alleged that the petitioner along with one Jeet Mohan Jha assaulted the cousin of the informant Lalan Jha by means of knife.

Learned counsel appearing on behalf of the petitioner submitted that admittedly the occurrence took place in the backdrop of sharing of donation money of temple for which case and counter case has been lodged. It is next submitted that both the informant as well as petitioner are members of a larger family and on the alleged date of occurrence free fight has taken place in which members of both the sides have received injuries, however, the prosecution has failed to explain the injuries sustained over the members of the petitioner. It is further submitted that one co-accused Jeet Mohan Jha against whom there was identical allegation has already been granted bail by learned coordinate Bench of this court in Cr. Misc. No. 8811 of 2022 vide order dated 07.06.2022. It is also submitted that the petitioner is a man of fair antecedent and is in custody since 07.06.2021.

On the other hand, learned for the informant opposes the bail application and submits that the trial is in progress and till date three charge sheet witnesses have been examined, apart from the fact that the specific allegation has



been levelled against the petitioner and the injuries have been found to be grievous in nature.

Learned APP for the State also opposes the bail application.

Regard being had to the fact that the co-accused person having identical allegation has already been granted bail by learned coordinate Bench of this court, coupled with the period of incarceration and the fair antecedent of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Bakhtiyarpur (O.P. Balwahat) P. S. Case No. 108 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of



trial.

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

It is expected that the learned trial court will take all necessary steps to expedite and conclude the trial as early as possible.

(Harish Kumar, J)

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