

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44470 of 2022

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

Radhe Jha son of late kali jha @ kali kant jha resident of village - mohan bahera, p.s.- Bahera, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-12-2022 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Bahera P.S. Case No. 286 of 2021 registered for the offence under Sections 147, 148, 149, 341, 323, 324, 307, 302, 506 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 10.12.2021.

The allegation against the petitioner is to commit the murder of father of informant, alongwith other co-accused persons, by making assault on the head causing grievous injury resulting to death, where occurrence is due to longstanding land



dispute.

Learned counsel appearing on behalf of the petitioner submitted that the occurrence is free fight in nature, where both parties received injury, though counter case was not registered by petitioner's side. It is further submitted that allegation as regard to fatal assault is specifically available against co-accused, namely, Maharudra Jha, whereas allegation against this petitioner is to assault the uncle of informant, namely, Shankar Kumar Jha, alongwith other co-accused persons, which is appearing general and omnibus. While concluding the argument, it has been submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel appearing on behalf of the informant, Shri Munish, while opposing the prayer of bail submitted that petitioner also assaulted the uncle of informant causing serious head injury.

Considering the facts and circumstances as mentioned above, as fatal assault is available against co-accused, namely, Maharudra Jha, as per F.I.R., where petitioner is in custody since 10.12.2021 coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be



released on bail in connection with Bahera P.S. Case No. 286 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of S.D.J.M., Benipur, Darbhanga/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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