

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25384 of 2023

Arising Out of PS. Case No.-17 Year-2023 Thana- KHODAWANDPUR District- Begusarai

1. SHAMBHU KUMAR JHA son of Ramadhar Jha Village- Bara ward no-3, Ps- Khodawandpur Dist- Begusarai
2. Dilip Jha son of Ramadhar Jha Village- Bara ward no-3, Ps- Khodawandpur Dist- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar Village- Bara ward no-3, Ps- Khodawandpur Dist- Begusarai
2. Tez Narayan Jha son of Mukhram Jha Village- Bara ward no-3, Ps- Khodawandpur Dist- Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shambhu Sharan Kumar
For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 01-06-2023 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor representing the State.

This application, for grant of anticipatory bail, arises out of Khodawandpur Police Station Case No. 17 of 2023, dated 12.01.2023, disclosing offences punishable under Sections 452/323/427/379/504/34 of the Indian Penal Code.

The prosecution case, as per the First Information Report, is that while the petitioners were cutting a tree and upon protest being raised by the informant, the petitioner no. 1 ordered to kill the informant and when the informant fled towards his house, all the accused persons entered into his house



and the petitioner no. 1 ordered to loot the house of the informant, upon which the petitioner no. 2 took away cash of Rs. 13,400/- from his almirah and the petitioner no. 1 also took away golden and silver ornaments of the wife of the informant from the almirah, worth Rs. 1,00,000/-.

Learned Counsel for the petitioners submits that both the parties are agnates and there is land dispute between them. He further submits that the appointment of petitioner no. 1 as Panchayat Teacher was challenged in P.I.L. by the informant's nephew, but the same has been dismissed by this Court and thereafter, the present First Information Report has been lodged by the informant on the basis of concocted story in order to harass the petitioners. He further submits that no theft has been committed by the petitioners in the house of the informant.

Regards being had to the submissions advanced on behalf of petitioner and taking into consideration the fact that both the parties are agnates and there is land dispute between them, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a



period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Begusarai, in connection with Khodawandpur Police Station Case No. 17 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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