

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 24125 of 2023

Arising Out of PS. Case No.-219 Year-2021 Thana- MANIGACHI District- Darbhanga

ABHIJIT JHA @ ABHIJIT KUMAR JHA S/O LATE VARUN JHA R/O Vill-
Rasidpur, P.S- Bahera, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha, Advocate

For the Opposite Party/s : Mr.Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and State.

The petitioner is in custody in connection with Manigachi (Wajitpur O.P.) P.S. Case No. 219 of 2021 for the offence under Sections 147, 148, 149, 341, 323, 324, 307, 302 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner has got no criminal antecedent and he is in custody since 24.12.2022.

It is alleged that informant was informed by villager Pawan Jha that his son Abhishek Jha, his friend Rahul Mishra and Shailaesh Jha were assaulted by villagers of Rashidpur at a place adjacent to the medical shop and on this information the wife of informant and other family members went there and saw that his son and his two friends, namely, Rahul Mishra and Shailesh Jha are lying injured at the Verandah of Chandan



Medical shop. It is alleged that upon asking they disclosed that they were doing party in an adjacent shop where accused persons of village Rashidpur arrived armed with lathi, danda, iron rod and Pagharia, along with 15-20 unknown persons and started dismantling the shop. It is further alleged that they assaulted Rahul Mishra @ Rahul Bhaskar and when Abhishek Jha intervened to save him then Abhijit Jha gave a blow with Pagharia on his head, he was badly injured and fell down. It is further alleged that when Shailesh Jha went to save him then the accused Natwar Jha gave a blow with iron rod on his head and thereupon he also became seriously injured. The further prosecution case is that when the locals started arriving at the said place then the accused persons fled away. It is further alleged that informant's wife, Pawan Jha and villagers took the injured to DMCH of treatment and in course thereof the son of informant namely Abhishek Jha died and the injured Rahul Jha was referred to PMCH for better treatment.

From reading of F.I.R., it appears that deceased was assaulted by large number of persons and it is not possible to assign any specific role to the assailant.

Considering the fact that the petitioner has got no criminal antecedent and period of custody, the petitioner, named



above, is directed to be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-V, Darbhanga in connection with Manigachi (Wajitpur O.P.) P.S. Case No. 219 of 2021.

As a condition of the order that the petitioner would cooperate in the trial. In the event of failure to appear on two consecutive dates, the court below will be at liberty to pass appropriate order including cancellation of bail bonds of the petitioner.

It is clarified that the bail bond of the petitioner shall be accepted by the court below only after framing of charge if charge has not been framed.

(Sandeep Kumar, J)

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