

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34234 of 2023

Arising Out of PS. Case No.-837 Year-2022 Thana- KATIHAR NAGAR District- Katihar

1. Murli Jha @ Murlidhar Jha, aged about 48 years, Gender-Male, Son of Late Naresh Mohan Jha, Resident of Village- Naya Tola, Near Ram Kanth School, Police Station Nagar, District- Katihar.

2. Sintu @ Sintu Jha @ Brhama Jha, aged about 21 years, Male, Son of Murli Jha @ Murlidhar Jha, Resident of Village- Naya Tola, Near Ram Kanth School, Police Station Nagar, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State.

02. Let the defect(s), if any, as pointed out by the office, be removed within a period of four weeks from today.

03. In the present case, the petitioners are apprehending their arrest in connection with Katihar Town P.S. Case No. 837 of 2022, registered on 21.12.2022, for the alleged offence under Sections 341, 323, 308, 379, 504/34 of the Indian Penal Code.

04. As per prosecution case, the petitioners and other co-accused persons, who were armed with pistol, *chopper*, iron rod and knife, attacked the son of the informant, Pankaj Kumar.



The allegation against the petitioner No. 2 is that he gave a chopper blow on the head of the son of informant and petitioner No.1 gave a knife blow on his right hand. The other accused persons also assaulted with rod and petitioner No.2 snatched a silver chain.

05. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. There is no eye witness to the alleged occurrence. From the allegation made by the informant, it is apparent that there was no intention to kill the son of the informant. Moreover, there were no intervening circumstances. The allegation of snatching of silver chain and cash is merely ornamental. Learned counsel further submits that, moreover, the injury report of the son of the informant shows two lacerated wound and one abrasion all caused by hard and blunt objects and injuries are stated to be simple in nature. This falsifies the prosecution case, as the allegations against the petitioners are that they used chopper and knife, which would have caused sharp or incised wound. Learned counsel further submits that this is case of false accusation.

06. Learned A.P.P. for the State opposes the prayer for anticipatory bail.



07. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the nature of injuries of the son of informant coupled with the allegation against the petitioners and further considering the possibility of false implication, let the petitioners, above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection with Katihar Town P.S. Case No. 837 of 2022, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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