

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35586 of 2023

Arising Out of PS. Case No.-39 Year-2023 Thana- FALKA District- Katihar

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VIMAL JHA @ VIMAL KUMAR JHA son of Late Baijnath Jha Village-
Jhagruchak Ps- Falka Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Adv.

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 25-07-2023 Heard Mr. Pawan Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Md. Matloob Rab, learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Falka P.S. Case No. 39 of 2023, registered for the offences
punishable under Sections 341, 323, 307/34 of the Indian Penal
Code.

3. It is alleged that all the accused persons, including
the petitioner and other anti social elements, have assaulted the
father of the informant by means of sharp cutting weapon,
causing head injury.



4. Learned counsel appearing on behalf of the petitioner submits that there is counter version of the present case being Falka P.S. Case No. 40 of 2023 instituted by son of the petitioner. He further submits that even from the narration of the FIR it appears that no specific allegation has been levelled against the petitioner that he has made any overt act, rather omnibus allegation has been levelled. That apart the petitioner is an old person aged about 75 years having fair antecedent. He lastly submits that the petitioner and the informant are their own *gotiyas* and there is land dispute between them.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the injury report, suggesting the injury to be simple in nature caused by hard and blunt substance, coupled with the age of the petitioner and fair antecedent, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned



A.C.J.M.-III, Katihar in connection with Falka P.S. Case No. 39 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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