

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40825 of 2022

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

1. Dilip Jha @ Dilip Kumar Jha Son of Braj Nandan Jha @ Brij Nandan Jha Resident of Village - Mohan Bahera, P.S.- Bahera, District - Darbhanga.
2. Kanhaiya Jha Son of Chandra Narayan Jha Resident of Village - Mohan Bahera, P.S.- Bahera, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madhusudan Kumar, Advocate
For the Opposite Party/s	:	Mr. Kumar Veerendra Narayan, APP
For the Informant	:	Mrs. Minakshi Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 24-02-2023 Heard learned counsel for the petitioners, learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

Petitioners seek bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 302 and 506 of the Indian Penal Code.

According to prosecution case, in the background of land dispute, the petitioners along with other co-accused persons variously armed, came to the doors of the informant and on order being given by the co-accused Maharudra Jha, all of them



assaulted the father of the informant causing serious injuries to him. When the informant and other family members went for his rescue they were also assaulted. The father of the informant died due to this assault.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case due to admitted land dispute. He further submits that it appears from the F.I.R. that the co-accused namely, Maharudra Jha assaulted the father of the informant and he died on the same day. He further submits that allegation as alleged in the F.I.R. against these petitioners are that the petitioner namely, Dilip Jha @ Dilip Kumar Jha has assaulted along with co-accused Radhe Jha to Ramshankar Jha by iron rod and allegation against petitioner namely, Kanhaiya Jha that he along with Dilip Jha @ Dilip Kumar Jha assaulted to Krishna Kant Jha by means of Khanti upon his head but there is no injury report is available on the record. He further submits that the police after investigation submitted the charge sheet against these petitioners. He further submits that similarly situated, co-accused, namely, Chandra Narayan Jha has been granted bail by a co-ordinate Bench of this Court vide order dated 26.09.2022 passed in Cr. Misc. No. 37030 of 2022,



another co-accused namely, Radhe Jha has been granted bail by a co-ordinate Bench of this Court vide order dated 08.12.2022 passed in Cr. Misc. No. 44470 of 2022 and another co-accused namely, Kundan Kumar Jha @ Kundan Jha @ Jai Prakash Jha has been granted bail by a co-ordinate Bench of this Court vide order dated 21.12.2022 passed in Cr. Misc. No. 38442 of 2022. The petitioner no.1 namely, Dilip Jha @ Dilip Kumar Jha is in custody since 29.11.2021 and petitioner no.2 namely, Kanhaiya Jha is in custody since 10.12.2021.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Sessions Trial No. 251 of 2022, arising out of Bahera P.S. Case No. 286 of 2021, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every



date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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