

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42037 of 2023

Arising Out of PS. Case No.-331 Year-2022 Thana- RAJNAGAR District- Madhubani

1. SHANKAR KUMAR JHA @ SHANKAR KR. JHA SON OF LATE SONELAL R/O VILLAGE- KOILAKH, P.S.- RAJNAGAR, DISTRICT- MADHUBANI
2. PREM KUMAR JHA SON OF LATE SONELAL R/O VILLAGE- KOILAKH, P.S.- RAJNAGAR, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-08-2023 Heard the learned Counsel for the petitioners, the informant as also the A.P.P.

The petitioners apprehend their arrest in connection with Rajnagar P.S. Case No. 331 of 2023 for the offence punishable under Sections 341, 323, 324, 308, 379, 504, 506, 34 of the I.P.C lodged on 04.11.2022 by the informant Bhogendra Choudhary.

As per the prosecution story, when the informant was present at his door. he came to know that accused persons are putting stakes on his land.



Upon protest, allegation is against both the petitioners is/are of assault as also taking away ornament and cash amount. Accordingly the FIR.

It is the case of the learned counsel for the petitioner that there is delay of two days in lodging of the FIR and further the injuries have been found to be simple in nature. It is further submission that there is case and counter case relating to the said case.

Learned counsel for the informant, on the other hand, submits that both of them assaulted the informant side though he concede that the injuries are simple in nature.

Learned APP opposes the prayer.

Considering the rival submission of the parties, the petitioner do not have criminal antecedent, there is case and counter case and injuries have been found to be simple in nature, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioners, in the event of their arrest or surrender within a period of four weeks from the date of the receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of C.J.M., Madhubani, in connection



with Rajnagar P.S. Case No. 331 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Jagdish/Jyoti/-

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