

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51159 of 2023

Arising Out of PS. Case No.-401 Year-2022 Thana- ROSERA District- Samastipur

1. AMAN JHA @ AMAN KUMAR JHA SON OF SHAMBHU JHA
RESIDENT OF VILLAGE -NANDE NAGAR BALHA, PS- ROSERA,
DISTT- SAMASTIPUR
2. SHAMBHU JHA @ SHAMBHU KUMAR JHA SON OF LATE RAM
SHARAN JHA RESIDENT OF VILLAGE -NANDE NAGAR BALHA, PS-
ROSERA, DISTT- SAMASTIPUR
3. MUKUL PATHAK @ MUKUL KUMAR PATHAK SON OF BIMLESH
PATHAK RESIDENT OF VILLAGE -NANDE NAGAR BALHA, PS-
ROSERA, DISTT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhimanyu Sharma, Advocate
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 19-08-2023 1. Heard the learned counsel for the petitioners and
the learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail
in connection with Rosera PS case no. 401 of 2022, registered
for the offences punishable under Sections 307, 384 and other
allied sections of the Indian Penal Code.
3. At the outset, the learned counsel for the petitioners
submits that the petitioners no. 1 and 2 have been arrested
during the interregnum period, hence, the present petition *qua*
the petitioners no. 1 and 2 has been rendered infructuous.



4. Accordingly, the present petition *qua* the petitioners no. 1 and 2 stands dismissed as not pressed.

5. The allegation is regarding the accused persons having arrived at the house of the informant, whereafter they had engaged in indiscriminate firing in the air and as far as the petitioner no. 3 and one another co-accused person namely Ghanshyam Pathak are concerned, they have been alleged to have damaged the window of the house of the informant with iron rod.

6. The learned counsel for the petitioner no. 3 submits that the petitioner no. 3 is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner no. 3 has further submitted that the petitioner no. 3 has not been alleged to have assaulted the informant or any other member of the prosecution party, hence, he is not having any complicity in the matter.

7. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

8. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on



record as also considering the fact that the petitioner no. 3 has not been alleged to have engaged in any sort of overt act and is having a clean antecedent, I deem it fit and appropriate to admit the petitioner no. 3 to the privilege of anticipatory bail.

9. Accordingly, the petitioner no. 3, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Additional Chief Judicial Magistrate-I, Rosera at Samastipur in connection with Rosera PS case no. 401 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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