

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.52635 of 2023**

Arising Out of PS. Case No.-110 Year-2020 Thana- CHHATAPUR District- Supaul

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Srilal Jha @ Lal Jha Son Of Late Batuknath R/O-Lalganj, P.S.-Chatapur,  
Distt.-Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bal Krishna Mishra, Advocate.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP.

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      23-08-2023                      Heard Mr. Bal Krishna Mishra, learned counsel for  
the petitioner and learned APP for the State.

2. The Petitioner is apprehending his arrest in connection with Chhatapur P.S. Case No.110 of 2020, registered for the offences punishable under Sections 341, 323, 324, 307, 504, 506, 34 of the Indian Penal Code.

3. Allegedly, while the informant along with his father and uncle were sitting at the door, in the meantime, three unknown persons and the petitioner along with co-accused Chandan Jha barged into his house and brutally assaulted them by means of lathy and sharp cutting weapon.

4. Learned counsel appearing on behalf of the petitioner submits that from the narration of the FIR, it is evident that the alleged occurrence took place on 01.06.2020,



however, the present FIR is instituted on 04.06.2020. That apart after completion of the investigation, police has not sent up the petitioner and submitted final form showing him innocent, however, differing with the final form the learned Trial Court has taken cognizance of the offences as alleged in the FIR, hence, the present application. He further submits that in fact there is land dispute between the parties and it is the informant and his persons, who brutally assaulted the petitioner, due to which the petitioner sustained grievous injuries. In support of his averments he has brought his injury report as contained in Annexure-4. He next submits that the petitioner is an old man, suffering from Carcinoma, whose treatment is going on in Mahabir Cancer Institute, Patna.

5. On the other hand learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the case and counter case and the omnibus allegation against all the accused persons, apart from the fact that the police has not sent up the petitioner for trial, coupled with his fair antecedent, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a



period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-I Class, Supaul in connection with Chhatapur P.S. Case No.110 of 2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be the own/close family members of the petitioner.

**(Harish Kumar, J)**

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