

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52688 of 2023

Arising Out of PS. Case No.-162 Year-2023 Thana- BAHADURPUR District- Darbhanga

1. NARESH JHA Son of Late Hriday Narayan Jha Resident of Village-Bahadurpur, RamNagar, P.S.-Bahadurpur, District-Darbhangha.
2. SUDHASHU KUMAR @ SUDHANSHU JHA Son of Naresh Jha Resident of Village-Bahadurpur, RamNagar, P.S.-Bahadurpur, District-Darbhangha.
3. SAURABH KUMAR @ SAURABH JHA Son of Naresh Jha Resident of Village-Bahadurpur, RamNagar, P.S.-Bahadurpur, District-Darbhangha.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Singh
For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Bahadurpur P.S. Case No. 162 of 2023 registered for the offences punishable under Sections 341, 323, 354B, 379, 427, 448 and 34 of the Indian Penal Code.

3. As per prosecution case, petitioner no. 1 is said to have assaulted informant's sister-in-law (Bhabhi) by means of rod as a result of which she sustained injury. It is further alleged that petitioner no. 2 and 3 assaulted informant's nephew by iron rod and spade. It is further alleged that petitioner no. 2 pulled out saree of the informant's sister-in-law and petitioner no. 3 tore the blouse of the



informant's sister-in-law to outrage her modesty. It is further alleged that petitioner no. 3 snatched gold chain worth Rs. 20,000/- from the neck of informant's sister-in-law.

4. Learned counsel for the petitioners submits that informant and petitioners are agnates to each other. He further submits that from the perusal of F.I.R., it appears that the dispute arose due to land in question which is owned by both parties. He further submits that allegation made in the F.I.R. is neither tenable nor sustainable in the light of the fact that all the petitioners are family members. There is a case and counter case between both the parties. Learned counsel for the petitioners further submits that earlier case has been filed by wife of petitioner no. 1 which has been put into the action by the help of S.P. and in the light of the given facts and circumstances, no offence is made out under Section 354B and 379 of the I.P.C. and other sections are bailable in nature. He further submits that petitioner no. 1 and informant are full brothers and petitioner no. 2 and 3 are nephews of the informant as such allegation of outraging the modesty of their aunt is superficial in nature. Learned counsel for the petitioners at para 13 of the bail petition mentioned that in the alleged altercation mild injury were committed to both the sides but they were simple in nature. He further submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Petitioners bear no criminal antecedent.



5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Darbhanga in connection with Bahadurpur P.S. Case No. 162 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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