

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57092 of 2023**

Arising Out of PS. Case No.-153 Year-2023 Thana- KEWATI District- Darbhanga

PRAVEEN KUMAR JHA S/O LATE CHATURANAND MISHRA R/O  
VILLAGE- LADARI, PS. KEOTI, DIST. DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mrs. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      30-08-2023                      Heard learned counsel for the petitioner and  
  
learned APP for the State.

The petitioner is in judicial custody in connection with Keoti P.S. Case No. 153 of 2023 registered under Sections 341, 323, 324, 307 and 379/34 of the Indian Penal Code lodged on 11.06.2023 by the informant, Santosh Kumar Jha.

As per the prosecution story, the allegation is that he along with Saraoj Jha and the mining team went to place where land situated were accused persons present, attacked. The allegation is that Ajay Mishra assaulted with ‘*tengari*’ injured him and which followed assault by the other accused persons. Sensing trouble, Mining Department



Officers left the place, Saroj Jha came to rescue, he too was assaulted. Further allegation is that Vinay Mishra took away golden chain as also the mobile. The Mining Officers informed the police which came and took away Saroj Jha at Primary Health Centre from where he was referred to D.M.C.H.

As per the petitioner, the main allegation is against Ajay Mishra of assaulting as also other accused persons and so far as assault on Saroj Jha is concerned, omnibus allegation is there. Further specific allegation is against Vinay Mishra of taking away the '*gold chain*', '*ring*' and '*Samsung*' mobile. No specific allegation is against him. Further, there is case and counter case in which Ajay Mishra was assaulted and he was taken to Jyoti Hospital and thereafter, FIR was lodged.

Learned APP opposes the prayer stating that allegation of assault is against all the accused persons.

Taking into account the fact that there is case and counter case, the main allegation is against accused, Ajay Mishra, who himself was injured and shifted to DMCH, injury on Saroj Jha has been found to be simple in nature



and the petitioner is in custody since 12.06.2023 (as stated in paragraph-22 of the petition), this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1<sup>st</sup> Class, Darbhanga at Laheriasarai in connection with Keoti P.S. Case No. 153 of 2023, subject to the following conditions:

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

(ii) the petitioner 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 his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner 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 his bail bonds;

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

**(Rajiv Roy, J)**

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