

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57403 of 2023

Arising Out of PS. Case No.-153 Year-2021 Thana- GHOGHARDIHA District- Madhubani

1. Deepak Jha @ Dipak Jha, aged about 20 years (male), son of Gyan Mohan Jha,
 2. Rajeev @ Mithu @ Mithu Jha @ Pradip Jha @ Rajeev Mithu, aged about 30 years (male), son of Santosh Jha,
 3. Rajeev Jha @ Rajeev Kumar, aged about 28 years (male), son of Late Amol Jha,
- All are resident of village- Ghoghardiha, Ward no-10, PS- Ghoghardiha Dist- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Advocate Mr. Ravi Prakash, Advocate
For the State	:	Mr. Tapeswar Sharma, APP
For the Informant	:	Mr. Sada Nand Roy, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 08-11-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State as well as learned counsel for the informant, who has appeared *suo motu*.

2. The petitioners apprehend arrest in connection with Ghoghardiha PS Case No.153 of 2021 dated 25.12.2021, instituted under Sections 341, 323, 504, 324, 307, 379/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on the alleged date of occurrence while the informant was going to Bus Stand, the petitioners along with some other accused persons surrounded him and Rajeev Jha @ Mithu Jha assaulted him by



means of iron rod and Khushi Jha assaulted him by means of iron rod while Santosh Jha snatched rupees one lakh from him. It is also alleged that the accused persons were taking away the son of the informant after assaulting him brutally but due to alarm raised by his relatives the accused persons left him and fled away.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is submitted that the petitioner no.1 has lodged a case against the son of the informant bearing Ghoghardiha PS case no.152 of 2021 under sections 323, 307, 379/34 of the Indian Penal Code in which son of the informant, namely, Ravi Kumar Jha @ Ravi Kumar has assaulted Deepak Kumar Jha (petitioner no.1) by means of a knife. Thereafter, the informant has lodged the present case against the petitioners and others to save his son. It is also submitted that injury report of both the injured shows that the nature of injury is simple. Learned counsel further submitted that during course of investigation it has come that there was dispute between the parties from before. It is also submitted that there is no allegation of assault against petitioner nos. 1 and 3. Allegation of assault is only against petitioner no. 2. Lastly, it is submitted that two criminal cases are pending



against petitioner no.2 and one criminal case is pending against petitioner no. 3 while petitioner no.1 has no criminal antecedent.

5. Learned APP has fairly submitted that the injuries sustained by the injured are simple in nature.

6. Learned counsel for the informant has opposed the prayer of bail and submitted that the petitioners have assaulted the informant and his son brutally.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Jhanjharpur, Madhubani, in Ghoghardiha PS Case No.153 of 2021, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother,



sister and or his wife, (iii) that the bailors shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

8. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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