

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58541 of 2023

Arising Out of PS. Case No.-75 Year-2023 Thana- KUNDWACHAINPUR District- East
Champaran

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1. Yogendra Jha S/O Late Laxmi Kant Jha Village- Amwa Tola, Ps- Kundwa Chainpur, Dist- East Champaran, At Present Village- Jamuna, Ps- Dhaka, Dist- East Champaran.
 2. Sujit Jha Son Of Yogendra Jha Village- Amwa Tola, Ps- Kundwa Chainpur, Dist- East Champaran, At Present Village- Jamuna, Ps- Dhaka, Dist- East Champaran.
 3. Sudhir Jha Son Of Yogendra Jha Village- Amwa Tola, Ps- Kundwa Chainpur, Dist- East Champaran, At Present Village- Jamuna, Ps- Dhaka, Dist- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.

For the Opposite Party/s : Mr. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-09-2023 Heard learned Counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 379, 504 and 34 of the Indian Penal Code.

3. As per the prosecution, it has been alleged that the accused petitioners started abusing the informant when he has taken water from their hotel, which resulted into scuffling and the allegation was made that Sujit Jha and Sudhir Jha assaulted one Ali Akbar with iron rod, due to which he got injured and referred

to Sadar Hospital, Motihari.

4. Counsel for the petitioners submits that the FIR is absolutely concocted and false and the event is completely otherwise. Counsel submits that the petitioners are running a hotel in Amwa Tola in which informant and his friends used to visit regularly. Counsel submits that on the date of event the informant came to the hotel and started demanding sweets but when the petitioners asked him to pay Rs. 3,000/- which was due on him, the informant became angry and then 6 named persons along with 25-30 unknown persons entered in the shop of the petitioners and assaulted the petitioners and injured them and they also *looted* Rs.12,000/- from their *galla*, and for this two criminal cases were lodged. He submits that the informant's side has lodged an FIR bearing Kundwa Chainpur P.S. Case No. 75 of 2023 and the petitioners' side has lodged an FIR bearing Kundwa Chainpur P.S. Case No. 76 of 2023. He further submits that antecedent of the petitioners are clean and they ready to fulfill all the conditions ready to fulfill all the conditions, whatsoever shall be imposed upon them.

5. Learned APP for the State opposes the prayer for bail but also admits that case and counter case have already been filed in this case.

6. In the present facts and circumstances, let the above

named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bond of Rs. 30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate- 5th, Dhaka in connection with Kundwa Chainpur P.S. Case No. 75 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

Ashishsingh/-

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