

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59392 of 2023

Arising Out of PS. Case No.-131 Year-2023 Thana- MOUZAHDIPUR District- Bhagalpur

1. Ramakant Jha S/O Late Madan Mohan Jha R/O Mohalla- Santnagar, Manikpur, P.S- Mojahidpur (BABARGANJ), Distt.- Bhagalpur.
2. Roushan Jha S/O Ramakant Jha R/O Mohalla- Santnagar, Manikpur, P.S- Mojahidpur (BABARGANJ), Distt.- Bhagalpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar Jha, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Mojahidpur (Babarganj) P.S. Case No. 131 of 2023 registered for the offences punishable under Sections 447, 341, 342, 323, 307, 325, 506, 34 of the Indian Penal Code. They have got no criminal antecedent.

3. Learned counsel for the petitioners submits that the informant in his written report alleged that while he along with his co-villagers Mukesh Kumar Jha and Shubham Kumar was going to attend feast, in the way the FIR named accused persons attacked them but anyhow he and his friend Shubham Kumar managed to escape and reached to house and informed the



incident to parents and to Babarganj Police Station. In the meantime, the accused persons threw Mukesh Kumar Jha treating him dead after assaulting him brutally and the Babarganj Police reached there and brought the vehicle and injured Mukesh Kumar Jha to Police Station.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the injured Mukesh Kumar Jha has not supported the prosecution story by filing an affidavit.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the facts and circumstances of the case wherein it is submitted that the alleged victim namely Mukesh Kumar Jha about whom it is stated that he was brutally assaulted by the petitioners has not supported the prosecution case and he has submitted an affidavit that the allegation that he was assaulted and thrown under impression that he was dead are not correct, the petitioners have otherwise no criminal antecedent, hence, this Court directs that in case of their arrest or surrender within a period of six weeks from today, the petitioners above named shall be released on bail in connection with Mojahidpur (Babarganj) P.S. Case No. 131 of 2023 on



furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M, Bhagalpur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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