

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61244 of 2022

Arising Out of PS. Case No.-860 Year-2022 Thana- FORBESGANJ District- Araria

ABHASH KUMAR JHA Son of Sri Arbind Jha Resident of Road No.- 11,
Rajendra Nagar, P.S.- Kadamkuan, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Soni Shrivastava, Advocate
		Mr. Neeraj Kumar, Advocate
For the Opposite Party/s	:	Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 17-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case registered for the offences punishable u/s 341, 323, 326, 307/34 of the Indian Penal Code and Section 27 of Arms Act and later added Section 20 and 22 of N.D.P.S. Act.

As per the prosecution case, the petitioner objected the informant's son and his friends for making noise at Dhaba. On being objected by the son of the informant, the petitioner started firing and extorted to kill Dharmendra, Vikash, Sajjan



and Gajen. Upon this the aforesaid co-accused persons assaulted the son of the informant with fists, legs and the butt of rifle indiscriminately and due to that the informant's son got fractured injuries on his head. During the course of assault, the co-accused persons also snatched gold chain, a ring, a mobile and purse.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. There is no specific allegation of assault against the petitioner. The petitioner is a business man and deals in real estate business and also he is a political man. *Charas* was seized from the bag of the petitioner which is small quantity. The petitioner has two criminal antecedents which are not related to attempt to murder as stated in para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the informant's son sustained grievous injury on his head and other injury which is simple in nature caused by hard and blunt substance.

Considering the aforesaid facts and circumstances of the case as well as the nature of allegation, let the above named petitioner, in the event of his arrest/surrender within a period of



six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Araria in connection with Forbesganj P.S. Case No. 860 of 2022 (Corresponding to Spl. Case No. 30/2022), subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure with a condition:-

1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

The application stands allowed.

(Chandra Prakash Singh, J)

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