

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65068 of 2023

Arising Out of PS. Case No.-200 Year-2021 Thana- PHULPARAS District- Madhubani

1. BECHAN JHA son of Heera Jha Village- Geauhiya Bairea Ps- Phulparas Dist- Madhubani
2. Navin Jha son of Heera Jha Village- Geauhiya Bairea Ps- Phulparas Dist- Madhubani
3. Sohan Kumar Jha @ Sohan Jha son of Subodh Jha Village- Geauhiya Bairea Ps- Phulparas Dist- Madhubani
4. Keshav Kumar Jha son of Bechan Jha Village- Geauhiya Bairea Ps- Phulparas Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gagan Deo Yadav
		Mr. Ravi Prakash
		Mr. Rajesh Kumar
For the Opposite Party/s :		Mr.Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 06-11-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioner are apprehending their arrest in connection with Phulparas P.S. Case No. 200 of 2021 registered for the offences punishable under Sections 341, 323, 308, 379, 504 and 34 of the IPC.
3. As per prosecution case, petitioners and others reached the informant's house on account of land dispute and it is alleged that petitioners and others assaulted the informant by means of legs and slaps. It is further alleged that co-accused Anshul Jha



assaulted the informant by means of axe on his head due to which he became unconscious and fell down and thereafter petitioner and others also assaulted him. It is further alleged that petitioner no. 4 Keshav Jha snatched golden chain and ring from the informant and co-accused Nikesh Jha took out Rs. 20000/- from the pocket of the informant. It is further alleged that informant sustained eight stitched injuries on his head.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. He further submits that there is no specific allegation of assaulting against the petitioners rather the same is against co-accused Anshul Jha who has assaulted upon the head of the informant and allegation against petitioners are general and omnibus in nature. From the perusal of FIR, the altercation took place on account of land dispute and in matter of land dispute facts are generally exaggerated to frame the allegation against the persons who were associated with bona fide land dispute. He further submits that allegation of snatching gold ornament against petitioner no. 4, Keshav Kumar Jha, is ornamental in nature. Learned counsel further submits that injury report has not supported the allegation of eight stitched wound as mentioned in FIR and there are only two injuries sustained by informant which is also simple in nature as annexed in Annexure-2 of the bail petition. In the light of aforesaid facts and



circumstances of the case, no case is made out against the petitioners under the aforesaid sections.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case,keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.1, Jhanjharpur, District-Madhubani in connection with Phulparas P.S. Case No. 200 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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