

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65046 of 2023

Arising Out of PS. Case No.-154 Year-2018 Thana- SAKRI District- Madhubani

-
1. CHANDRA NATH JHA Son of Prabhu Nath Jha Resident of village - Birsair, P.S.- Sakri, District - Madhubani.
 2. Ashish Nath Jha @ Aashish Nath Jha Son of Chandra Nath Jha Resident of village - Birsair, P.S.- Sakri, District - Madhubani.
 3. Amar Nath Jha Son of Prabhu Nath Jha Resident of village - Birsair, P.S.- Sakri, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udeshya Kumar Yadav, Adv.
For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 06-11-2023 1. Learned counsel for the petitioners is permitted to make necessary correction in cause-title of the petition.
2. Heard learned counsel for the petitioners and learned A.P.P. for the State.
3. The petitioners are apprehending their arrest in connection with Sakri P.S. Case No. 154 of 2018 registered for the offences punishable under Sections 341, 323, 354, 427, 504, 506/34 of the Indian Penal Code.
4. As per prosecution case, informant and her husband were working in the field which fell in the share of informant's husband on the basis of partition took place in the year 2014. It is further alleged that petitioners no. 1 and 2 reached there



having armed with lathi and farsa and prevented the informant's husband from doing work in the field. When same was protested by the informant, petitioners no. 1 and 2 assaulted the informant and caused damage to plant of flower by uprooting them and they secured the flow of water of toilet in the land of informant. It is further alleged that previously due to land dispute, petitioners no. 3 and 1 concertedly assaulted the informant and also threatened to kill her.

5. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case due to land dispute and dirty village politics. Petitioners bear no criminal antecedent. Petitioners and informant's side are agnates. There is general and omnibus allegation against the petitioners. Except Section 354 of the IPC, other sections are bailable in nature. Petitioners no. 1 and 3 are full brother of informant's husband. He further submits that there is land dispute between both the parties and in the cases of land dispute, facts are generally exaggerated to frame the allegation against the persons who were associated with bona fide land dispute. Petitioners have nothing to do with the alleged occurrence. No specific allegation is attributed against any of the petitioners. In



the light of aforesaid facts and circumstances of the case, no case is made out against the petitioners.

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

7. 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 their 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 Chief Judicial Magistrate, Madhubani in connection with Sakri P.S. Case No. 154 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

(Alok Kumar Pandey, J)

shahzad/-

U		T	
---	--	---	--

