

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66911 of 2022

Arising Out of PS. Case No.-132 Year-2022 Thana- BAHERA District- Darbhanga

1. Umesh Kumar Jha @ Bipin Jha Son of Shubhkant Jha R/v- Sajhuar ward No. 12, P.S.- Bahera, District- Darbhanga
2. Lalan Kumar Jha Son of Shubhkant Jha R/v- Sajhuar ward No. 12, P.S.- Bahera, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 25-04-2023 Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

The accused/petitioners are named in the F.I.R. and apprehend their arrest in connection with Bahera P.S. Case No. 132 of 2022 registered for the offences punishable under Sections 341, 323, 307, 354, 337 and 504 of the Indian Penal Code (in short 'I.P.C.').

The allegation against these petitioners is to assault informant and also her neighbour, namely, Lalan Kumar Jha by



using brickbat causing head injury, having intention to cause their death. It is further alleged that the modesty of informant was outraged by accused/petitioners.

Learned counsel appearing on behalf of the petitioners submitted that the alleged occurrence is free fight in nature, where both parties received injury and for the same set of occurrence a case was also lodged by petitioners' side, which has been registered as Bahera P.S. Case No. 136 of 2022. It is submitted that title suit is pending between petitioners and injured Vinod Jha, for which, civil case bearing Title Suit No. 158 of 1990 is pending between the parties. It is pointed out that injuries, as alleged to be caused by petitioners upon injured, found simple in nature, which suggests that alleged injury was not sufficient to cause death in ordinary course of nature, negating intention to cause death thereby. While concluding the argument it is submitted that both petitioners are men of clean antecedent.

Learned APP for the State opposes the prayer of bail.

Considering the aforesaid facts and circumstances and by taking note of the fact as occurrence is free fight in nature where injury, alleged to be caused, is simple in nature, let both above named petitioners, in the event of their arrest or surrender



within a period of four weeks, are directed to 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 the learned Additional Chief Judicial Magistrate 1st, Benipur, Darbhanga/concerned Court, where the case is pending in connection with Bahera P.S. Case No. 132 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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