

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67553 of 2022

Arising Out of PS. Case No.-270 Year-2022 Thana- JHAJHA District- Jamui

1. Santosh Kumar @ Santosh Ram S/O Suresh Ram @ Lotha Ram R/O Village- Chitochak, P.S- Jhajha, District- Jamui
2. Shiv Kumar @ Shibu Kumar Ram S/O Mahendra Ram R/O Village- Chitochak, P.S- Jhajha, District- Jamui
3. Suresh Ram @ Lotha Ram S/O Nanhaku Ram R/O Village- Chitochak, P.S- Jhajha, District- Jamui
4. Mangal Ram S/O Nanhaku Ram R/O Village- Chitochak, P.S- Jhajha, District- Jamui

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan Singh, Advocate

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner submits that during pendency of this anticipatory bail petition, the petitioner no. 3 has been arrested and his prayer for anticipatory bail has become infructuous and wants to withdraw the petition on behalf of the petitioner no. 3, namely, Suresh Ram.

Permission for the same is granted.

Accordingly, this application with regard to petitioner no.3 stands dismissed as withdrawn.

In this case, the petitioners No. 1, 2 and 4 are



apprehending their arrest in connection with Jhajha P.S. Case No. 270 of 2022 registered on 02.07.2022 for the alleged offences under Sections 341, 323, 354, 307, 504 and 506/34 of the Indian Penal Code.

As per prosecution case, nephew of the informant was assaulted by the petitioners, namely, Shiv Kumar and Santosh Kumar with iron-rod and iron-axe. When the informant went to save him, the petitioners Mahendra Ram and Lotha Ram tried to strangle him. Other co-accused persons and petitioner Mangal Ram tried to outrage the modesty of the wife of the informant.

Learned counsel for the petitioners submits that the prosecution story is false and concocted. Though, the petitioner no. 1 admits the fact that the nephew of the informant was working with him and he came to the petitioner No. 1 in drunken condition and demanded his wages and when the petitioner no. 1 asked him to come tomorrow as he was in drunken state, the nephew of the informant became angry and started abusing the petitioner no. 1 and assaulted him. When the villagers assembled, the nephew of the informant tried to run away and sustained some injuries on his way back. There is nothing on record that the petitioner no. 1 was withholding Rs. 90,000 which was due to the nephew of the informant. The allegation of tearing the clothes of the wife of the informant is only a super addition to make the



case serious. Thus, learned counsel further submits that petitioners have been made accused by leveling false allegations.

Learned APP opposes the prayer for anticipatory bail made on behalf of the petitioners. Learned APP further submits that injury report has been annexed and it shows injuries on the head of the nephew of the informant caused by sharp weapon and showing danger to life.

Having regard to the facts and circumstances and considering the serious nature of allegation against the petitioners, I do not think it is a fit case for grant of anticipatory bail.

Hence, prayer for anticipatory bail of petitioners No. 1, 2 and 4 is rejected. However, if the petitioners surrender before the learned trial court, the learned trial court shall consider the prayer for bail on its own merits without being prejudiced by this order.

(Arun Kumar Jha, J)

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