

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75280 of 2023

Arising Out of PS. Case No.-145 Year-2023 Thana- SIWAIPATTI District- Muzaffarpur

1. Awadhesh Jha, aged about- 65 years (Male), Son of Bujhawan Jha
2. Guddu Jha @ Guddu Kumar Jha, aged about – 35 years (Male), Son of Awadhesh Jha
Both Resident of village - Ghashot, P.S. - Siwaipatti, District - Muzaffarpur
3. Prabhu Narayan Jha, aged about- 70 years (Male), Son of Late Ganga Jha,
Resident of village - Tilak Tajpur, P.S. - Runnisaidpur, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-11-2023 Heard Mr. Sunil Kumar Pandey, learned counsel
appearing on behalf of the petitioners and Mr. Tapeswar
Sharma, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Siwaipatti P.S. Case No. 145 of 2023 registered for the
offence punishable under Sections 341, 323, 307, 504 and
506/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the accused
persons named therein, with a common intention to kill the



informant, had assaulted him by means of *farsa* on his head, due to which, he had sustained severe injury.

4. Learned counsel appearing on behalf of the petitioners submitted that there is land dispute between the parties. Both the parties are agnates. Petitioner no. 1 namely, Awadhesh Jha had filed a complaint case against the informant and due to enmity, the petitioners have been dragged in a false case after 20 days of the alleged incidence, which took place on 16.07.2023 and the FIR was lodged on 04.08.2023 nearly after 20 days of the alleged incidence. He further submitted that the injury sustained by the informant is simple in nature as would appear from the injury report duly furnished by the Medical Officer of S.K.M.C.H, Muzaffarpur. Petitioner no. 3 has clean antecedent while against petitioner no. 1, two criminal cases are pending and against petitioner no. 2, one criminal case is pending, in which they are on bail. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties, as well as, the allegation made in the FIR, the alleged incidence which took place on 16.07.2023, the FIR was



lodged on 04.08.2023, after delay of nearly 20 days while the place of occurrence is only eight kilometers away from the police station. The record reveals that the petitioner no. 1 had lodged complaint against informant and both informant, as well as, the petitioners are agnates and there is long standing land dispute between the parties and there is case and counter case. The injury is simple in nature.

7. The petitioners, above named, are directed to be released on pre-arrest bail subject to the condition that two responsible persons of means of the village/locality may give their written undertaking along with the petitioners ensuring that the petitioners will not involve in any criminal activity in future and in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Magistrate (East), Muzaffarpur, in connection with Siwaipatti P.S. Case No. 145 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph



no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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