

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1330 of 2023

Arising Out of PS. Case No.-39 Year-2022 Thana- DARBHANGA District- Darbhanga

Mona Kumar @ Eshan S/O Raj Kumar @ Raj Kumar Bhagat R/O Village-
Lalbag, P.S.- Town, Distt- Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-03-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 147, 149, 285, 288, 307, 323, 325, 327, 341, 354, 436 of the Indian Penal Code and later on Section 302 of I.P.C has been added.

The prosecution case in nutshell is that the informant along with her family member was residing at the land after constructing a house for the last 40 years. It is further alleged that co-accused Shiv Kumar Jha wanted to forcibly take possession over the said land. He has threatened of dire consequences and hurled abuses to the



informant to vacate the house. It is further alleged that on the date of occurrence co-accused Shiv Kumar Jha along with 40 others came to the place of occurrence along with JCB machine and made an attempt to demolish the house of the informant. On protest by the brother and sister of the informant it is stated that co-accused Shiv Kumar Jha poured petrol and burnt them. They were taken to the hospital for treatment but they succumbed to injuries during course of treatment.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. Petitioner is not named in F.I.R. and his name sprang up during investigation of the case. Petitioner has no concern either with the F.I.R. name accused persons or with the alleged occurrence. It is further submitted that when the occurrence took place, many people gathered at the place of occurrence after that petitioner also reached there and tried to pacify the matter with the help of others but due to previous antecedents the name of the petitioner dragged in this case. Moreover, the petitioner is



languishing in judicial custody since 19.09.2022. Similarly situated co-accused persons have been granted bail by co-ordinate Bench of this Court.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Town P.S. Case No. 39 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Darbhanga.

(Sunil Kumar Panwar, J)

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