

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12042 of 2024

Arising Out of PS. Case No.-71 Year-2020 Thana- JAMALPUR District- Darbhanga

1. Mahesh Kant Jha, aged about 60 years (Male) S/O Late Laxmi Kant Jha.
 2. Jai Ram Jha aged about 28 years (Male).
 3. Ghanshyam Jha aged about 35 years (Male).
- Both Nos. 2 and 3 are sons of Mahesh Kant Jha.
All are residents of Village- Hasopur, Police Station Jamalpur (Badgavn O.P.), District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-02-2024 Heard Mr. Ashok Kumar Prasad, learned counsel

 appearing on behalf of the petitioners and Mr. Shailendra

 Kumar, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Jamalpur (Badgavn O.P.) P.S. Case No. 71 of 2020 dated 22.06.2020 registered for the offence punishable under Sections 341, 323, 325, 324, 307, 379 and 354(B)/34 of the Indian Penal Code Later on charge sheet no. 104/2020 dated 22.08.2020 under Sections 341, 323, 354/34 has been submitted and, thereafter, cognizance has been taken by the learned court below vide order dated 09.01.2021 under Sections 341, 323, 307 and



354/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the accused persons named therein, had assaulted the informant and his wife, which had caused head injury to the wife of the informant.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioner is innocent and due to partition dispute, a false case has been lodged against the petitioner. Injury sustained by the wife of the informant caused by hard blunt substance is simple in nature. 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 considered the rival submissions made on behalf of the parties, as well as, the fact that there is family dispute and injury sustained by the wife of the informant to be simple in nature, I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, 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) with two sureties of the like amount



each to the satisfaction of learned Judicial Magistrate- 1st Class,
Biraul, Darbhanga, in connection with Jamalpur (Badgavn O.P.)
P.S. Case No. 71 of 2020 dated 22.06.2020, 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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