

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9489 of 2024

Arising Out of PS. Case No.-281 Year-2023 Thana- RAJNAGAR District- Madhubani

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1. DEO CHANDRA JHA Son of Late Baldeo Jha
 2. PHUL KANT JHA Son of Deo Chandra Jha
 3. MANISH JHA Son of Deo Chandra Jha.
Resident of Village-Pariharpur, P.S.-Rajnagar, District-Madhubani
- Petitioner/s
- Versus
- The State of Bihar
- Opposite Party/s
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Appearance :

For the Petitioner/s	:	Mr.Gopal Jha, Advocate
For the Informant	:	Mr. Subhash Kumar Jha, Advocate
For the Opposite Party/s	:	Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-02-2024 Heard Mr.Gopal Jha, learned counsel for petitioners,

learned counsel for the informant and Mr.Nawal Kishore Prasad,

learned Additional Public Prosecutor for the State.

2. Petitioners are apprehending their arrest in connection with Rajnagar P.S.Case No. 281 of 2023, G.R.No.2162 of 2023, FIR dated 06.11.2023, registered for the offences punishable under Sections 341, 323, 324, 307, 448, 427, 380, 504, 506, 34 of IPC.

3. Prosecution case in brief is that on 27.10.2023 around 10:00 AM, Manish Jha, Phul Kant Jha and Deo Chandra Jha came to the house of brother of informant, namely, Raj Kant Jha and alleged that at his instance, their J.C.B. and tractor were seized. Further, on the order of Phul Kant Jha, rest accused



started beating Raj Kant Jha. When the informant came to rescue, Manish Jha hit on his head with farsa with intention to kill him. While saving himself farsa hit on leg and blood began to ooze and fell down on the ground. Phul Kant Jha and Deo Chandra Jha also assaulted him with iron-rod and lathi-danda respectively. Manish Jha took away a suitcase containing Rs. 12,000/-, gold chain and some documents. Phul Kant Jha forcefully obtained signature of informant on blank paper.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case. Further submits that the present case is counter blast of Rajnagar P.S.Case No.275 of 2023 filed by petitioner No.2 against the family members of the informant. From a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 27.10.2023 and the present FIR has been instituted on 06.11.2023 after delay of ten days without giving any explanation of delay. Further submits that it appears from the FIR that the FIR is in two parts. In 1st part, there is general and omnibus allegation against all the accused persons including the petitioners and in the 2nd part there is specific allegation of assault attributed against co-accused person, namely, Manish Jha, who gave Farsa blow upon the informant. From a bare



reading of the FIR it appears that when Manish Jha assaulted to the informant and he has received injury in his leg but the injury report of the informant suggests that although he has received injury but the injury is grievous in nature caused by hard and blunt object and there is no injury on the leg of the informant rather there is swelling on nose.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of petitioners and submits that there is direct and specific allegation against the petitioner that they assaulted to the family members of the informant and apart from the aforesaid the petitioners carries one more case other than the present one but fairly submits that the petitioners are on bail in the said case.

6. Considering the fact and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in connection with Rajnagar P.S.Case No. 281 of 2023, G.R.No.2162 of 2023,



subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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