

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10257 of 2024**

Arising Out of PS. Case No.-106 Year-2023 Thana- KALYANPUR District- Samastipur

1. Vivek Jha Son Of Photo Jha Resident Of Village- Simaria Bhindi, Ps- Kalyanpur, Dist- Samastipur
2. Photo Jha Son Of Late Chandradeo Jha Resident Of Village- Simaria Bhindi, Ps- Kalyanpur, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Md. Hussamuddin Azad

For the Opposite Party/s : Ms.Madhuri Lata

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      01-03-2024                      1.    Heard learned counsel for the petitioners and learned A.P.P. for the State.

2.    The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 379, 307, 354, 504 and 34 of the Indian Penal Code.

3.    Learned counsel for the petitioners submits that petitioners have been falsely implicated by the informant with an allegation that the accused persons, including the petitioners, abused and assaulted the informant with *farsa* and when son of the informant, Durganand Jha, came to save then Photo Jha assaulted him with *farsa* causing injury on his head and when his wife came to save him, then Roshan Jha and Vivek Jha



assaulted her with *lathi* causing injury on her head and even disrobed her and thereafter Vivek Jha took away the golden chain.

4. The learned counsel next submits that from perusal of the allegation as alleged in the FIR, no doubt allegation is of assault, but then from the order impugned, it would manifest that the same does not record the nature of injuries suffered by the injured. It is next submitted that though allegation of assault is there, but then the blow is not repeated.

5. The learned APP opposes the anticipatory bail application and submits that there is a direct allegation against the petitioners of assaulting the injured on head causing injury.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kalyanpur P.S. Case No. 106 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



7. However, it is made clear that the learned trial court before accepting the bail bonds of the petitioners shall verify the injury report of the injured and in the event if it is found that the injured have suffered grievous injury in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

SUMIT/-

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