

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10476 of 2024

Arising Out of PS. Case No.-52 Year-2023 Thana- TARABARI District- Araria

Madhav Jha @ Madhav Kumar Jha Son of Chiranjiv Jha Resident of Village-
Dabhra, Ward No. 10, P.S. Tarabari, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Naushaduzzoha, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Tarabari P.S. Case No. 52 of 2023, registered on 15.05.2023, for the alleged offence under Sections 341, 323, 307, 379, 504, 506/34 of the Indian Penal Code.

03. As per prosecution case, the petitioner and other co-accused persons assaulted the brother and nephew of the informant with sharp weapons, *lathi* and *danda*, causing injuries to them. They also snatched a gold chain and money from the brother and nephew of the informant.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The whole prosecution story is false, fabricated and



concocted. The present case is counterblast of Tarabari P.S. Case No. 53 of 2023 lodged by co-accused Santosh Kumar Mishra against the informant of the present case and others. Though there is allegation of assault by sharp weapon, *lathi* and *danda* against the petitioner and other co-accused persons, but the injury report shows simple injuries on the victim. Learned counsel further submits that land dispute is admitted, for which *panchayati* was going on, in which dispute arose and free fighting took place between the two groups. The petitioner has got no criminal history.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the simple nature of the injuries of the victim in the background of land dispute and further considering the case and counter case between the parties, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class,



Araria/concerned court in connection with Tarabari P.S. Case No. 52 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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