

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13813 of 2024

Arising Out of PS. Case No.-295 Year-2023 Thana- KATRA District- Muzaffarpur

Dharmendra Jha Son of Satya Narayan Jha Resident of Village - Jauar West,
Police Station - Katra, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bauye Jee Jha, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 02-05-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 326, 307, 447, 448, 452 and 120(B) of the Indian Penal Code as well as Sections 25(1-b)a, 27 and 35 of the Arms Act.

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case by the informant. It is further submitted that petitioner is neighbour of the informant and he was at his house when Abhishek Kumar, Harsh Thakur and Kundan Thakur came to his house and asked him to call the father of the informant and his brother. It is next submitted that petitioner, accordingly, called the victim and when the victim came out Abhishek Kumar and Harsh Thakur



fired at the brother of the informant. It is also submitted that petitioner was completely unaware that the accused persons had come with an intention to kill the victim. It is further submitted that during the course of investigation, it transpired that in a fair there was an altercation in between the victim and the accused persons excluding the petitioner, on which the accused with a view to take revenge had come to the house of the informant to commit an occurrence. It is next submitted, at the cost of repetition, that petitioner was completely unaware that occurrence of such nature would be committed by the named accused persons. It is also submitted that since the petitioner is neighbour of the informant, hence, when the accused came, the son of the petitioner also came out of the house and he also came to be implicated. It is further submitted that the allegation against the petitioner and his son if not akin is similar and his son has been granted the privilege of regular bail by the learned trial court.

4. Mr. Chandra Bhushan Prasad, learned A.P.P. submits that there is allegation of firing though not alleged against the petitioner. It is further submitted that petitioner based on parity should seek regular bail from the learned District Court.



5. At this stage, learned counsel for the petitioner seeks permission to withdraw this application for grant of anticipatory bail.

6. Permission is accorded.

7. Accordingly, this application for grant of anticipatory bail on behalf of the petitioner is dismissed as withdrawn in connection with Katra (Jajuar O.P.) P.S. Case No. 295 of 2023 pending in the Court of learned Judicial Magistrate, 1st Class, Muzaffarpur (East), Court No. 07/Successor Court.

8. However, if the petitioner surrenders before the learned trial court on 27.07.2024, the learned trial court shall dispose of the case on the same day keeping in mind that son of the petitioner has been granted the privilege of regular bail.

(Satyavrat Verma, J)

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