

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20690 of 2024

Arising Out of PS. Case No.-100 Year-2023 Thana- JHANJHARPUR District- Madhubani

1. Md. Jashin @ Tannu @ Md. Jashim, Son of Md. Jamil Akhtar @ Goha Resident of Village-sangram, P.S.-Jhanjharpur (A.S.O.P.), District-Madhubani.
2. Md. Jamil Akhtar @ Goha, Son of Late Siddiai Resident of Village-sangram, P.S.-Jhanjharpur (A.S.O.P.), District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandev Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Udeshya Kumar Yadav, Advocate Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-04-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Jhanjharpur (AOSP) P.S. Case No. 100 of 2023, registered for the alleged offence under Sections 341, 323, 324, 379, 504, 506, 307, 427 of the Indian Penal Code.

03. As per prosecution case, co-accused and other persons assaulted the nephew of the informant, causing a number of injuries to him. The name of the petitioners transpired during investigation as they were also found involved in the alleged assault. The occurrence took place in the background of some land dispute between the parties.



04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case by the victim, whose statement was recorded after three months of the occurrence. However, no specific overt act has been attributed to the petitioners. Land dispute is admitted in the FIR itself. The injuries of the victim are stated to be simple though caused by sharp, hard and blunt object, respectively. Learned counsel further submits that occurrence took place on 08.06.2023 and FIR was lodged on 12.06.2023 and there is no explanation for the delay. The specific allegation of assault is against co-accused Md. Izharul and his son not against these petitioners. Even though the FIR was lodged after much delay, the petitioners name came up only on 06.09.2023, i.e., after three months of lodging of the FIR. Learned counsel further submits that, moreover, compromise has taken place in this case between the parties. The petitioner no. 1 is having clean antecedent whereas petitioner no. 2 is having criminal antecedent of two other cases, in which, he is on bail.

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 strong possibility of false implication, let the petitioners above named, in the even of their 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) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Jhanjharpur, District-Madhubani in connection with Jhanjharpur (AOSP) P.S. Case No. 100 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 petitioners.
- (ii) The petitioners 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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