

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33676 of 2024

Arising Out of PS. Case No.-185 Year-2021 Thana- BIBHUTIPUR District- Samastipur

1. Pramila Devi Wife of Pramod Jha Resident of - Kishanpur Tabhka Tole, Jhahura Ward No. 11, P.S.- Vibhutipur, Dist.- Samastipur
2. Bhola Jha @ Bhola Kumar Jha son of Saroj Jha @ Raj Kumar Jha Resident of - Kishanpur Tabhka Tole, Jhahura Ward No. 11, P.S.- Vibhutipur, Dist.- Samastipur
3. Shambhu Jha Son of Pramod Jha Resident of - Kishanpur Tabhka Tole, Jhahura Ward No. 11, P.S.- Vibhutipur, Dist.- Samastipur
4. Pramod Jha Son of Sripati Jha Resident of - Kishanpur Tabhka Tole, Jhahura Ward No. 11, P.S.- Vibhutipur, Dist.- Samastipur
5. Ram Vinod Jha @ Bangali Jha Son of Sripati Jha Resident of - Kishanpur Tabhka Tole, Jhahura Ward No. 11, P.S.- Vibhutipur, Dist.- Samastipur
6. Amlesh Jha @ Amresh Jha Son of Sripati Jha Resident of - Kishanpur Tabhka Tole, Jhahura Ward No. 11, P.S.- Vibhutipur, Dist.- Samastipur
7. Vandana Devi Wife of Ram Binod Jha Resident of - Kishanpur Tabhka Tole, Jhahura Ward No. 11, P.S.- Vibhutipur, Dist.- Samastipur
8. Parwati Devi W/o Ashok Jha Resident of - Kishanpur Tabhka Tole, Jhahura Ward No. 11, P.S.- Vibhutipur, Dist.- Samastipur
9. Mamta Devi @ Chuniya Devi W/o Ashok Jha Resident of - Kishanpur Tabhka Tole, Jhahura Ward No. 11, P.S.- Vibhutipur, Dist.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate
For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioners and
learned APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Vibhutipur P.S. Case No. 185 of 2021 registered on 13.06.2021 for the alleged



offences under Sections 341, 323, 324, 504, 506, 308, 447, 34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons assaulted the informant and his family members with khanti, lathi, danda and iron rod causing a number of injuries to them.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is general and omnibus allegation against the petitioners and specific allegation of assault is against co-accused, Saroj Jha and Santosh Jha. Learned counsel for the petitioners further submits that the land dispute is admitted between the parties and the petitioners and informant are agnates and next door neighbours. The matter has also been compromised between the parties. The petitioners were given benefit of Section 41(1) of the Cr.P.C. and they never misused this privilege. Learned counsel for the petitioners further submits that from petitioners are ladies whereas five petitioners are male and all of them are having clean antecedent.

5. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioners.



6. Having regard to the facts and circumstances and submission made on behalf of the parties and considering lack of specific allegation against the petitioners and the background of land dispute and possibility of false implication, let the petitioners above named, in the event 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. 5,000/- (Rupees Five Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned Sub-Divisional Judicial Magistrate, Rosera in connection with Vibhutipur P.S. Case No. 185 of 2021, 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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