

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40125 of 2024**

Arising Out of PS. Case No.-399 Year-2022 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Barun Kumar Jha @ Varun Kumar Jha S/o Late Viveka Nand Jha R/o Village
Ghoghardiha PS Goghardiha Distt Madhubani, At present residing
Gobindgarh, Jugiana, Distt. - Ludhiana (Punjab)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Santosh Kumar Jha S/o Late Hiranand Jha R/o vill and P.S. - Ghoghardiha,
Distt. - Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratnakar Jha, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-07-2024 Heard learned Counsel for the petitioner and learned

APP for the State.

2. The petitioner apprehends his arrest in connection
with C.R. Case No. 399 of 2022 for the offence registered under
sections 341, 323, 354 and 379 of the Indian Penal Code lodged
on 27.06.2022 by the complainant, Santosh Kumar Jha.

3. As per the prosecution story, the complainant
alleged that when he was at his house, saw the accused persons
coming with weapon and throwing the 'tat' from the land of the
petitioner. Upon protest, this petitioner assaulted, pushed him to
the ground and when the family members came to rescue, her
modesty was outraged. Allegation against him is also of taking
away the amount and the gold ornaments. Accordingly, the
complaint.



4. Learned Counsel for the petitioner submits that a bare perusal of the F.I.R. would show that only to implicate and to take revenge for the earlier criminal case lodged by the petitioner's side in the year 2017, this complaint has been filed. He is ready to abide by all the terms and conditions, if granted relief and do not have criminal antecedent. He further submits that there is no injury report.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that allegation is of assault is there.

6. Taking into account the aforesaid submissions as also that no injury report is on record, F.I.R. lodged, will be facing the trial, do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1st, Jhanjharpur, Madhubani in connection with C.R. Case No. 399 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.



(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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