

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32883 of 2023

Arising Out of PS. Case No.-184 Year-2022 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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1. NITYANAND JHA @ BIRBALAK @ BIDYANAND JHA SON OF MANIKANT JHA @ MANIKANTA JHA RESIDENT OF VILLAGE-TEOTHA, PS- BENIPATTI, DISTT- MADHUBANI AT PRESENT RESIDENT OF HOTEL DELUX LANE, MATHULPALI, SIB MANDIR, PS- PLANT SIDE, DISTT- SUNDARGARH, ODISHA
 2. GITA DEVI @ GEETA JHA WIFE OF NITYANAND JHA @ BIRBALAK @ BIDYANAND JHA RESIDENT OF VILLAGE- TEOTHA, PS- BENIPATTI, DISTT- MADHUBANI AT PRESENT RESIDENT OF HOTEL DELUX LANE, MATHULPALI, SIB MANDIR, PS- PLANT SIDE, DISTT- SUNDARGARH, ODISHA

... .. Petitioner/s

Versus

1. The State of Bihar
2. MANIKANT JHA SON OF LATE YUGESHWAR JHA RESIDENT OF VILLAGE- TEOTHA, PS- BENIPATTI, DISTT- MADHUBANI

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha
For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 22-03-2024 Heard learned counsel for the petitioners and
learned APP for the State.

2. Since, the Opposite Party No.2 has refused to accept the notice, as such, the notice is deemed to have been validly served.

3. The petitioners seek bail in anticipation of his arrest in a case registered for the offences punishable under Sections 323, 341, 354, 386, 379, 504/34 of the Indian Penal Code.



4. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent. It is next submitted that petitioner No.2 is wife of petitioner No.1 and informant is father of petitioner No.1 who has instituted the instant case. It is also submitted that the dispute is purely civil to which a criminal colour has been given. It is next submitted no doubt the informant alleges that he was pushed and abused but then that was only to give seriousness to the case, as no son would ever think of abusing and assaulting his father. It is next submitted that this perhaps explain why the O.P. No.2 has refused to accept the notice as he does not intend to oppose the anticipatory bail application. It is next submitted that the petitioner No.2 along with a son has presently taken the informant to Raurkela for his treatment and the informant presently is staying with the petitioner and his grand son at Raurkela.

5. Learned A.P.P. opposes the bail application.

6. Consideration the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below withing a period of ten weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees



Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Benipatti, Madhubani, in connection with Complaint petition vide C.R. No. 184 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C. with a condition that one of the bailor of the petitioner shall be the informant of the present case.

7. The applications stands allowed.

(Satyavrat Verma, J)

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