

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37262 of 2024**

Arising Out of PS. Case No.-97 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

Neeraj Kumar Jha, aged about 24 years (Male), Son Of Late Bhola Jha,  
Resident Of Village - Sahwajpur, P.S. - Ahiyapur, District – Muzaffarpur.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

**Appearance :**

|                    |   |                                |
|--------------------|---|--------------------------------|
| For the Petitioner | : | Mr. Mukesh Kumar Jha, Advocate |
| For the Informant  | : | Mrs. Smiti Bharti, Advocate    |
| For the State      | : | Mr. Dr. Indivar Kumari, A.P.P. |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH**

ORAL ORDER

5      06-08-2024                      Heard learned counsel for the petitioner, learned  
counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Ahiyapur P.S. Case No. 97 of 2023 dated 25.01.2023 registered for the offences punishable under Sections 447, 341, 323, 307, 386, 504/34 of the I.P.C. and Sections 25(1-b)a, 27 and 35 of the Arms Act.

3. As per the prosecution case, on 25.01.2023 at about 6.00 P.M., the petitioner alongwith two unknown persons came to the shop of the informant and demanded a *Gutkha* and when the informant demand money, the petitioner not only refused to pay but also demanded extortion money and thereafter opened fire on him from his pistol but it did not hit him. Thereafter, the



petitioner fled away and villagers handed over two empty cartridges and motorcycle to the police.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that both parties are co-villagers and no one would dare to commit such type of crime with his co-villager. The real fact is that the petitioner purchased some articles from the shop of the informant and on the point of price of articles, some scuffle took place between the parties. It is further submitted that the motorcycle which was recovered from the place of occurrence does not belong to the petitioner. The petitioner has five criminal antecedents and in all cases he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 03.01.2024.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner. Learned counsel for the informant by filing a counter affidavit has submitted that the petitioner has been made accused in ten cases but she has not filed the F.I.R. of those cases in which the petitioner has been made accused.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above



named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Muzaffarpur in connection with Ahiyapur P.S. Case No. 97 of 2023 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

**(Chandra Prakash Singh, J)**

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