

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58656 of 2024

Arising Out of PS. Case No.-265 Year-2022 Thana- MAHNAR District- Vaishali

Rounak Jha @Rounak Raj son of Sanjay Kumar Jha Village- Sabji Mandi
Mahnar Ps- Mahnar Dist- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Navnit Kumar, Advocate

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-09-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The accused-petitioner, named in the F.I.R., who is apprehending his arrest in connection with Mahnar P.S. Case No. 265 of 2022 registered for the offences punishable under Sections 341, 323, 324, 325, 307, 379, 354, 504 and 506/34 of the Indian Penal Code. He has no criminal antecedent as stated in paragraph '3' of the application.

3. The allegation against the petitioner is to assault the informant and others alongwith other co-accused persons by means of using *lathi*, rod etc. causing head and bodily injuries having intention to cause their death, where occurrence is alleged to arising out of land dispute.



4. It is submitted by learned counsel appearing on behalf of the petitioner that occurrence in fact was free fight in nature, from which intention to cause death cannot be gathered as to make out a *prima-facie* case under Section 307 of the I.P.C. It is submitted that petitioner had also received injury during the occurrence and, therefore, for same set of occurrence, Mahnar P.S. Case No. 263/2022 was lodged by the petitioner's side against informant. It is submitted that case of petitioner was lodged prior to the present case and, therefore, it can be gathered safely that the present case was lodged to counter the earlier case only as lodged by the petitioner's side.

5. While traveling over the argument, it is submitted by learned counsel that from facial perusal of F.I.R., it appears that specific allegation as to cause *farsa* assault is available against co-accused Sanni Kumar @ Chotu. It is submitted that the occurrence is out of land dispute.

6. While concluding argument, it is submitted that the co-accused Sanjay Kumar Jha and Sanjit Kumar Jha have been granted privilege of



anticipatory bail by learned coordinate Bench of this Court through Cr. Misc. No. 3514 of 2023 dated 28.03.2023. Petitioner claimed to be a man of clean antecedent.

7. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

8. In view of the aforesaid factual submissions and by taking note of the fact as the allegation *qua* physical assault is appearing *prima-facie* very much general and omnibus against this petitioner, who is a man of clean antecedent, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from today, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur/concerned court in connection with Mahnar P.S. Case No. 265 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C/Section 482(2) of the Bhartiya Nyaya Suraksha Sanhita (in short “B.N.S.S.”).



(Chandra Shekhar Jha, J)

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