

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61859 of 2024

Arising Out of PS. Case No.-443 Year-2023 Thana- ROSERA District- Samastipur

Lalan Jha @ Om Kumar Tarun, S/O Sachidanand Jha, R/O Village- Sonupur,
P.S- Rosera, Samastipur, Bihar- 848101.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Piyush Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this present case, the petitioner is apprehending his arrest in connection with Rosera P.S. Case No. 443 of 2023, registered for the offences under Sections 147, 148, 149, 341, 323, 324, 307, 379, 427, 504 and 506 of the Indian Penal Code.

3. As per prosecution case, petitioner and other co-accused persons entered into the brick-kiln of the informant and the intruders were armed with *lathi*, *danda* and pistol. They started destroying the articles kept in the room. Allegation against the co-accused Ravindra Kumar Ray is that he assaulted the informant with butt of the pistol on his head



causing its fracture. The allegation against the petitioner and other co-accused persons is that they dragged the driver Ghanshyam Das into the nearby orchard and assaulted him causing injury to him. They also took away Rs. 60,000/- and a gold chain from the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The occurrence took place in the background of dispute between co-accused Ravindra Rai and the owner of the brick kiln (*chimney*) with regard to the ownership of brick kiln (*chimney*). One Shyam Narayan Mishra by creating a forged lease deed wants to grab the brick kiln which the co-accused Ravindra Rai got through a registered lease deed and in this background, the present case has been lodged against the petitioner. The informant's side wants to grab the leasehold property of co-accused Ravindra Rai. No injury report has come on record and it shows the fabrication of the case. From the facts of the FIR, it is evident that there was no intention to cause death since so many persons assaulted the informant but he survived this assault without suffering any serious injury. There could be no application of Section 307 of IPC in this case. The allegation of theft is not believable and



is merely ornamental. The petitioner is having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubtful nature of allegation against the petitioner in the background of property dispute and further considering the possibility of false implication as well as clean antecedent, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Rosera at Samastipur/concerned court in connection with Rosera P.S. Case No. 443 of 2023, subject to the conditions as 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 petitioner.

(ii) The petitioner 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)

V.K.Pandey/-

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