

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68459 of 2024

Arising Out of PS. Case No.-271 Year-2024 Thana- SURSAND District- Sitamarhi

Om Prakash Jha S/o- Bimlesh Narayan Jha Resident of village- Koriahi, P.S.-
Sursand, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Bihari Singh

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-10-2024 Heard the parties.

2. The petitioner apprehends his arrest in connection with Sursand P.S. Case No. 271 of 2024, registered for the offences punishable under Sections 188, 189, 341, 323, 332, 353, 279, 504, 506, 34 of the Indian Penal Code.

3. While the informant along with other police personnel were on patrolling duty, they received an information that public road is being damaged by the JCB machine and the tractor. Upon the said information, when the police personnel asked the owner of the JCB to come on the place of occurrence, he along with others came on a four wheeler vehicle and started abusing the informant and other police personnel and thereby made obstruction in discharging the official duty.

4. Learned Advocate for the petitioner referring to the



FIR contended that from the narration made in the FIR it is evident that the entire allegation revolves around co-accused Satya Prakash Jha, who is said to be owner of the JCB machine but only on account of he being the brother of Satya Prakash Jha, his name has been implicated in this case without there being any allegation. It is next contended that this is a case in which no person has sustained any injury nor any damage has been caused to the public property but with a view to put pressure and vengeance, the name of the petitioner has been implicated. It is next contended that though the petitioner bears three criminal antecedent; out of which one is on account of family feud and with respect to Sursand P.S. Case No. 143 of 2022, the police has submitted final form. The petitioner undertakes that he will fully cooperate in the investigation or the proceeding of the court.

5. On the other hand, learned Advocate for the State opposes the bail application and submits that the petitioner has made obstruction in discharging the public duty.

6. Regard being had to the submissions made on behalf of the parties and considering the allegation levelled in the FIR wherein no overt act has been alleged against the petitioner and the entire allegation revolves around the co-



accused person, coupled with the fact that none has sustained any injury as also the undertaking by the petitioner that he will fully cooperate in the investigation or the proceeding of the court, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Sitamarhi in connection with Sursand P.S. Case No. 271 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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