

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66555 of 2024

Arising Out of PS. Case No.-185 Year-2021 Thana- BIBHUTIPUR District- Samastipur

1. Santosh jha @ Santosh Kumar jha @ Feku Son of Ram Vinod Jha @ Ram Vinod Jha @ Bangali Village- Kishanpur Tabhka Tole Jhohura W.No-11, Ps- Vibhutipur Dist- Samastipur
2. Saroj Jha @ Saroj Jha Son of Sripati Jha Village- Kishanpur Tabhka Tole Jhohura W.No-11, Ps- Vibhutipur Dist- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ramashish Jha Son of Late Shivsagar Jha Village- Kishanpur Tabhka Tole Jhohura W.No-11, Ps- Vibhutipur Dist- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 27-09-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Vibhutipur P.S. Case No. 185 of 2021 registered for the alleged offences under Section 341, 323, 324, 504, 506, 308, 447 and 34 of the Indian Penal Code.

03. As per prosecution case, petitioner and other co-accused persons assaulted the informant and his son in the background of land dispute. The allegation against petitioner no. 1 is that he assaulted with a spade on the head of the son of the informant.



04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is admitted land dispute between the parties who are agnates and next door neighbours. The present case is counter blast of Vibhutipur P.S. Case No. 186 of 2021 by co-accused Amlesh Jha. In the background of land dispute some scuffle took place between two sides and persons from both sides received injury. The injury report shows injury of informant is a lacerated wound on left hand in ring finger of 1cm x ½ cm caused by hard and blunt substance and the said injuries are stated to be simple and appears to be mere laceration. Injury report of the son of the informant shows an incised wound on back side of head about 7 cm x 1 cm scalp deep and opinion has been reserved but there is no repetition of blow so as to infer commission of offence under Section 307 of the Indian Penal Code. Learned counsel further submits that the incident took place on 10.06.2021 and the FIR was instituted on 13.06.2021 without any explanation for delay of four days. Earlier the petitioners were granted benefit of Section 41A of the Code of Criminal Procedure. The matter has been compromised between the parties. The petitioners are having clean antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioners.



06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the background of land dispute, counter version of the case and further considering the possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Court of J.M., Rosera in connection with Vibhutipur P.S. Case No. 185 of 2021, subject to the condition 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 petitioners.
- (ii) The petitioners 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)

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