

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71771 of 2024

Arising Out of PS. Case No.-266 Year-2022 Thana- BAHERA District- Darbhanga

Kanhaiya Jha S/O Shyam Jha @ Radheshyam Jha Resident of Village- Milki,
Police Station- Alinagar, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Bahera P.S. Case No. 266 of 2022 dated 23.06.2022, instituted
for the offence punishable under Sections 341, 323, 308, 379
and 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 20-06-
2022 in the morning, the informant went at Ghatha Mushari and
returning to his house after collecting money as charge of rental
service of J.C.B. When he reached near Batganj school with his
motorcycle, one Kanhaiya Jha and 8-10 miscreants of his group
were drinking wine on the road and they blocked the road, due
to which informant stopped his motorcycle and requested them
to give passage. Upon which on the order of accused Kanhaiya
Jha (petitioner), one miscreant assaulted the informant with butt



of gun on his head and shoulder, due to which he fell down on the ground. It is further alleged that other miscreants also assaulted the informant and one miscreant snatched Rs. 31000/- from his pocket, which was collected by the informant as charge of rental service of JCB.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that present case is a counter blast of Bahera P.S. Case No. 265 of 2022 lodged by one Rajnish Kumar against the informant's side. It is further stated that the present case has been filed on 23.06.2022 for the occurrence committed on 20.06.2022 i.e. after three days of the alleged occurrence without any plausible explanation. The allegation against the petitioner is that he gave order to assault. There is no specific allegation of assault against the petitioner. Lastly, it has been submitted that petitioner has one criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Bahera P.S. Case No.



266 of 2022, he/they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate- 1st, Darbhanga, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

Sankalp/-

U		T	
---	--	---	--

