

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77845 of 2023

Arising Out of PS. Case No.-269 Year-2019 Thana- BIHPUR District- Bhagalpur

RAM KUMAR JHA S/O LATE VIMAL CHANDRA JHA VILLAGE-
NAVTOLIA, P.O.- NARAYANPUR, PS. BHAWANIPUR (BIHPUR),. DIST.
BHAGALPUR.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-03-2024 Heard Mr. Rajesh Kumar Pandey, learned counsel
for the petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Bihpur (Bhawanipur) P.S. Case No. 269 of 2019 for the offence under sections 341, 323, 354, 337, 427, 504 of the I.P.C. lodged on 02.08.2019 by the informant, Seema Kumari.

3. As per the prosecution story, the informant who is a lady, In-charge Principal alleged that the petitioner serving as an Assistant Teacher came to the school on 02.08.2019 at 11:10 A.M. and started breaking the lock of the almirah. Upon protest, he started abusing and assaulting the In-charge Principal and while reiterating, threw a brick causing injury. The children in



the school saw the entire incident and earlier also a case was lodged by the D.P.O., Establishment for which he was sent to jail. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that though he confess that he is in the habit of coming late, money was demanded for the said, upon protest, the FIR. The further submission is that he is ready to abide by terms and conditions and if sent to jail, damocle's sword may hang over his service.

5. The last submission on instruction is that irrespective of outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner wants to contribute to the school library by way of making payment of Rs. 10,000/- so that the books are purchased for it. The draft will be handed over to the Principal of the School under the name of the school so that the same goes to the school account and is used exclusively for the purpose of purchase of books and receipt thereof has to be maintained separately in the ledger.

6. Learned APP opposes the prayer stating that he has delayed coming to this Court.

7. Though there is an inordinate delay in coming to Court as he had moved before the learned Session Judge in the



month of April, 2023 and after rejection, instead of rushing to the Patna High Court preferred this anticipatory bail application only in the month of November, 2023, taking into account the allegation as also the fact that putting him in jail, for the present, will serve no purpose, is ready to co-operate in the trial, this Court is inclined to extend him the privilege of anticipatory bail subject to payment to Rs. 10,000/- (for school library) as undertaken by the learned counsel for the petitioner.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M. 1st, Naugachia, in connection with Bihpur (Bhawanipur) P.S. Case No. 269 of 2019 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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