

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 84460 of 2024

Arising Out of PS. Case No.-241 Year-2023 Thana- PANDAUL District- Madhubani

1. Rajesh Kumar Jha @ Rajesh Jha Son of Late Rajendra Jha Resident of 5B/2 Vjiaynagar, Singhad Road, Near Dhareshwar Temple, Dhayari, Pune City, Pune, Maharasta
2. Atul Rajesh Jha @ Santur Jha Son of Sri Rajesh Kumar Jha Resident of 5B/2 Vjiaynagar, Singhad Road, Near Dhareshwar Temple, Dhayari, Pune City, Pune, Maharasta
3. Rachna Rajesh Jha @ Rachna Jha Wife of Sri Rajesh Kumar Jha Resident of 5B/2 Vjiaynagar, Singhad Road, Near Dhareshwar Temple, Dhayari, Pune City, Pune, Maharasta
4. Ashok Kumar Mishra @ Ashok Mishra Son of Ram Swarth Mishra Resident of Village - Nagraakata Line, Nagraakata Te Garden, Jalpaiguri, Nagraakata, West Bengal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saurav Kumar, Advocate
For the Opposite Party/s : Ms.Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 19-12-2024 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Pandaul PS case no. 241 of 2023, disclosing offences punishable under Sections 308, 354 and other allied sections of the Indian Penal Code.
3. The prosecution story, as per the First Information Report, is that on 26.10.2023, fardbeyan of the informant was recorded in hospital, in which, she has stated that on 25.10.2023



in the afternoon, while she was at her home, petitioner no. 1 called her son and when the informant went outside of her home, she found that all the petitioners were assaulting her son. When the informant intervened, petitioner no. 1 assaulted her by means of bricks and pulled her down on the ground.

4. Learned Counsel for the petitioners submits that all the family members have been made accused. Petitioner no. 1 is father of petitioner no. 2, petitioner no. 3 is wife of petitioner no. 1 and petitioner no. 4 is brother-in-law of petitioner no. 1. Learned counsel further submits that petitioners have falsely been implicated in this case due to land dispute between the parties, which would be evident from First Information Report itself. He next submits that the police, during course of investigation, granted benefit of Section 41-A Cr.P.C. to the petitioners and the petitioners have fully cooperated during course of investigation. Now, the police report has been submitted and the learned Magistrate has taken cognizance of the offence under Sections 341, 323, 325, 308, 354, 504/34 of the Indian Penal Code. He also submits that petitioners have apprehension that if they surrender, they may be taken into custody by the learned Magistrate.

5. Having regard to the submissions made on behalf



of the parties and taking into consideration the fact that petitioners were given benefit under Section 41-A Cr.P.C. by the Police, they cooperated in the investigation and there is no likelihood that the petitioners will abscond or tamper with the evidence, I am inclined to grant the privilege of anticipatory bail to the petitioners.

6. This application is, accordingly, allowed.

7. Let petitioners, abovenamed, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in connection with Pandaul PS case no. 241 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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