

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84942 of 2024

Arising Out of PS. Case No.-376 Year-2024 Thana- JHAJHA District- Jamui

Shailendra Kumar @ Shailendra Kumar Sah Son of Jai Prakash Sah Resident
of Village - Dhiva, P.O. - Keshopur, P.S. - Jhajha, District - Jamui

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Jhajha P.S. Case No. 376 of 2024 registered for the offences punishable under Sections 191(2), 190, 126(2), 117(2), 76 of the BNS, 2023.

3. As per prosecution case, petitioner and others broke the boundary wall and roof of the informant's house. It is alleged that petitioner and others armed with lathi, danda and swords entered into the informant's house and started abusing her. It is alleged that petitioner is said to have touched the informant with bad intention and tried to outrage her modesty. Thereafter, petitioner assaulted her with the sword as a result of which informant sustained injury upon her neck and others parts



of the body.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. He further submits that the present case is nothing but the counter blast of the earlier FIR bearing Jhajha P.S Case No. 372 of 2024 which was lodged by the father of the petitioner against the informant's husband. He further submits that a civil dispute is going on between the petitioner's side and informant's side. He further submits that cases in which civil dispute is pending, facts are generally exaggerated to make the offence graver. Learned counsel orally submits that the petitioner is stated to have assaulted the informant by means of sword but the nature of injury is found to be simple in nature caused by hard and blunt substance which is totally inconsistent with the allegation made in the FIR. Petitioner bears criminal antecedent of one case which is also instituted by the same party and the petitioner is on bail on the said case.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the



petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Jhajha P.S. Case No. 376 of 2024, subject to the conditions as laid down under Section 482 of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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