

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85847 of 2023

Arising Out of PS. Case No.-239 Year-2020 Thana- DHAMDAHA District- Purnia

1. Sawan Jha S/o- Chakradhar Jha Village- Kunwari Ps- Dhamdaha Dist- Purnea
2. Chakradhar Jha son of Late Dukh Haran Jha Village- Kunwari Ps- Dhamdaha Dist- Purnea

... .. petitioners/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the petitioners/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. In the present case, the petitioners are apprehending arrest in connection with Dhamdaha P.S. Case No. 239 of 2020, registered on 24.11.2020 for the offences under Sections 323, 341, 342, 324, 325, 379, 307 and 504/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons along with some unknown co-accused



entered into the house of the informant and assaulted his family members and looted ornaments, mobile and cash. The informant and other persons received a number of injuries.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is counter version of the case of the informant as wife of co-accused Arbind Jha has filed Dhamdaha P.S. Case No. 241 of 2020 for the offences punishable under Sections 323, 341, 342, 379, 354, 504 and 506/34 of the IPC against informant and other persons. There is land dispute between the parties and father of co-accused Ashish Jha gave an application before SHO, Dhamdaha for initiation of proceeding under Sections 144 and 107 of the Cr. P.C. in connection with land bearing Khata No. 841, Plot No. 1563, measuring an area of 6 decimals, Mauja Kunwari, Thana No. 233. Thereafter, a proceeding under Section 144 Cr. P.C. was initiated. Learned counsel further submits that the injury reports of the victims show non-serious simple injuries caused by hard and blunt substance, except one grievous injury upon Santosh Kumar, but the allegation against the petitioners is general and omnibus. Learned counsel further submits that other co-accused person, Ashish Jha and others have been granted anticipatory



bail by a Co-ordinate Bench of this Court, vide order dated 13.01.2022, passed in Cr. Misc. No. 23989 of 2021. The petitioners are having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of specific allegation of overt act against the petitioners and the case and counter case between the parties in the background of land dispute, let the petitioners above named, in the event of arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of ₹10,000/- (Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea/concerned court in connection with Dhamdaha P.S. Case No. 239 of 2020, subject to the condition as 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)

Amrendra/-

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