

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86419 of 2023

Arising Out of PS. Case No.-262 Year-2023 Thana- BISFI District- Madhubani

1. Madan Mohan Jha @ Madan Jha S/O Late Digamber Jha VILLAGE- DUDHAIL, WARD NO. 12, PS. BISFI, DIST.MADHUBANI.
2. RAM BABU JHA S/O LATE DIGAMBAR JHA VILLAGE- DUDHAIL, WARD NO. 12, PS. BISFI, DIST.MADHUBANI.
3. SUNIL JHA S/O SHASHI BHUSHAN JHA VILLAGE- DUDHAIL, WARD NO. 12, PS. BISFI, DIST.MADHUBANI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikas Kumar Jha, Advocate
		Mr. Rahul Kumar Singh, Advocate
For the Opposite Party/s :		Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-01-2024 Heard Mr. Vikas Kumar Jha duly assisted by Mr. Rahul Kumar Singh, learned Counsel for the petitioners and Md. Sufyan, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Bisfi P.S. Case No. 262 of 2023 for the offence registered under sections 341, 323, 324, 354(B), 452, 427, 379, 504, 506 and 34 of the Indian Penal Code lodged on 12.07.2023 by the informant, Putul Devi.

3. As per the prosecution story, the informant alleged that when she had gone to her neighbour's house, one Kanhaiya Thakur entered her home and tried to outrage the modesty of her



daughter. When she raised alarm, as the informant's family member rushed to her rescue, he escaped whereafter it is alleged that the accused persons including these petitioners came armed variously and assaulted the informant's side. Further, the allegation against Madan Mohan Jha @ Madan Jha (petitioner no. 1) is of giving rod blow to Anshu Kumari and Triveni Devi.

4. Learned Counsel for the petitioners submit that it is a counter blast to the Bisfi P.S. Case No. 262 of 2023 lodged by the informant's side inasmuch the police after investigation found the case under section 354 IPC to be false. Further, the injury has been found to be simple in nature.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that though case and counter case there is allegation of assault and injuries are also been found.

6. Considering the submissions put forward by the parties, as aforesaid, the injuries have been found to be simple in nature, the petitioners do not have criminal antecedent, this Court is inclined to extend them privilege of anticipatory bail.

7. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing



bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Benipatti in connection with Bisfi P.S. Case No. 262 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show their *bona fide*;

(ii) the petitioners 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 their bail bond by the Trial court itself;

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

(iv) the petitioners 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 their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds;



8. With the aforesaid observations, the anticipatory
bail application stands allowed.

(Rajiv Roy, J)

Neha/-

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

