

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28798 of 2025

Arising Out of PS. Case No.-535 Year-2024 Thana- MADHUBANI TOWN District-
Madhubani

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Lalani Kant Jha Son of Indra Kant Jha R/o village- Lakhanpatti, PS -
Madhubani Town, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 13-08-2025 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the informant.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 115(2),
117(2), 118(2), 109, 126(2), 191(2), 191(3), 190, 303(2) and 352
of the BNS.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that on 23.11.2024 at 07:30 a.m. all the accused persons
including the petitioner came in the courtyard of the informant
variously armed and started abusing. On protest, on order of
Bau Jha, accused Pankaj Jha assaulted the elder brother of the
informant Vasisth Narayan Jha by farsa causing injury on head.



Thereafter, Chandan Jha assaulted the nephew of the informant Mukesh Jha by an iron rod on his temporal region. Further, petitioner assaulted Samir Jha by farsa, thereafter Kundan Jha and Nandan Jha also assaulted Samir Jha by iron rod on his shoulder. It is next alleged that petitioner and Vishnu Kant Jha together caught the informant's sister and Keval Jha assaulted by an iron rod causing fracture of finger. Thereafter, on order of Bau Jha, Ram Nath Jha sprinkled kerosene oil on the house of the informant and Keval Jha set the house on fire. Thereafter, all the accused persons snatched gold chain of Mukesh Jha and Pan Devi and Rs.2,500/- from the pocket of Samir Jha.

4. Learned counsel for the petitioner submits that subsequently Section 103 of the BNS was added in the FIR as Vasisth Narayan Jha subsequently during the course of treatment died who is alleged to have been assaulted by Pankaj Jha. It is further submitted that as far as this petitioner is concerned, he is alleged to have assaulted Samir Jha by farsa but then the statement of Samir Jha was recorded at para 149 of the case diary wherein he has not even remotely suggested that he was assaulted by the petitioner rather has stated that he was assaulted by Ram Nath Jha and against this petitioner he has alleged that he along with Vishnu Kant Jha caught Pan Devi and



Keval Jha assaulted her. It is thus submitted that even presuming what has been alleged against the petitioner to be true without admitting then the injured in his statement recorded before the police has not supported the allegation.

5. Learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner and submits that statement recorded before the police is not admissible in evidence. There is specific allegation against this petitioner of assaulting Samir Jha by farsa. It is further submitted that what is not in dispute rather stands admitted is that all the accused persons entered the courtyard of the informant and thereafter Vasisth Narayan Jha was assaulted who subsequently died and thereafter the house was also put on fire. It is thus submitted that even presuming that petitioner had not assaulted Samir Jha but then his presence at the place of occurrence emboldened the other accused to commit the occurrence and the house was even set on fire.

6. Considering the submissions made by the learned counsel appearing on behalf of the informant, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Madhubani Town P.S. Case No. 535 of 2024, dated 23.11.2024 corresponding to G.R. No. 2603



of 2024 pending in the Court of learned Chief Judicial Magistrate, Madhubani/Successor Court.

7. Hence, the prayer for anticipatory bail of the petitioner is rejected.

(Satyavrat Verma, J)

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