

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29798 of 2025

Arising Out of PS. Case No.-43 Year-2025 Thana- BANKA District- Banka

1. Aashish Kumar Jha @ Aashish Kr. Jha S/O Late Uttam Jha R/O Vill.- Bishanpur, Baran Tola, P.s. and Dist.- Banka
2. Manish Jha @ Manish Kumar Jha S/O Guddan Jha @ Subhash Chandra Jha R/O Vill.- Bishanpur, Baran Tola, P.s. and Dist.- Banka
3. Mana Jha @ Suraj Jha @ Suraj Kumar Jha S/O Shiv Kumar Jha R/O Vill.- Bishanpur, Baran Tola, P.s. and Dist.- Banka
4. Gautam Jha @ Goutam Kr. Jha S/O Subhash Jha @ Gore Jha R/O Vill.- Bishanpur, Baran Tola, P.s. and Dist.- Banka
5. Suraj Jha @ Suraj Kumar Jha S/O Pritam Jha @ Sanjay Kumar Jha R/O Vill.- Bishanpur, Baran Tola, P.s. and Dist.- Banka
6. Rajesh Mishra @ Rajesh Kumar Mishra S/O Umesh Chandra Mishra @ Umesh Mishra R/O Vill.- Bishanpur, Baran Tola, P.s. and Dist.- Banka
7. Tulsi Jha @ Tulsi Kumar Jha S/O Gopal Jha R/O Vill.- Bishanpur, Baran Tola, P.s. and Dist.- Banka
8. Shiv Kumar Jha S/O Late Ratneshwar Jha R/O Vill.- Bishanpur, Baran Tola, P.s. and Dist.- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha
For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-05-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Banka P.S. Case No. 43 of 2025, G.R. No. 254 of 2025 registered for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 329(4), 115(2), 109, 352, 351 (2) of the B.N.S and Section 27 of the Arms Act.



3. As per prosecution case, co-accused Rupak Jha fired upon informant's uncle, however, he saved himself. Further, co-accused Sangam Kumar Jha and Rahul Jha assaulted with an intention to kill the informant's son (Raunak Jha) by means of *Farsa* as a result of which he sustained injury. Thereafter, petitioners armed with sword and farsa came and started assaulting the informant's family members. Further, co-accused Sangam Kumar Jha assaulted with an intention to kill the informant's wife by means of rod, however, she saved herself and co-accused Rahul Jha assaulted the informant's wife by means of farsa as a result of which her left hand got fractured.

4. Learned counsel for the petitioners submits that there is specific allegation of firing against co-accused Sangam Kumar Jha and specific allegation of assault against co-accused Rahul Jha and Rupak Jha. He further submits that no specific allegations are attributed against the petitioners rather the allegations are general and omnibus in nature. He further submits that there is case and counter case between the parties on the same date of occurrence and in such cases free fighting cannot be ignored. He further submits that petitioner no. 1 sustained fired arm injury but the story of prosecution does not reveal the injury of the other side in the present FIR which questions the authenticity of the prosecution case. Petitioners are innocent and



have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Petitioners bear no criminal antecedent.

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

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, there is no specific allegation against the petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka in connection with Banka P.S. Case No. 43 of 2025, G.R. No. 254 of 2025, subject to the conditions as laid down under Section 482 (2) of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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