

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31885 of 2025

Arising Out of PS. Case No.-125 Year-2024 Thana- PUSA District- Samastipur

1. Vijay Shankar Jha S/o Late Laxmi Kant Jha R/o vill - Nauwachak, P.S.- Pusa, Distt.- Samastipur
2. Ravi Shankar Jha S/o Late Laxmi Kant Jha R/o vill - Nauwachak, P.S.- Pusa, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ritwik Thakur, Adv.

For the Opposite Party/s : Dr. Kumar Uday Pratap, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 19-05-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Pusa P.S. Case No. 125 of 2024 registered for the alleged offences under Section 126(2), 127(2), 115(2), 118(1), 117(2), 109(1), 303(2), 352, 351(2), 351(3), 3(5) of the B.N.S.

03. As per prosecution case, petitioners and other co-accused persons who were armed with *lathi*, *danda*, spade, axe and rod etc. came to the doors of the informant and hurling abuses, assaulted the informant and his younger brother causing injuries to them. They also snatched Rs.5,000 from the nephew of the informant.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The occurrence as alleged did not take place rather the petitioner no. 1 was surrounded by the prosecution party and when



petitioner no. 2 and others intervened, they were assaulted by the prosecution side. For the said occurrence, Pusa P.S. Case No. 126 of 2024 was instituted. From the FIR it is also apparent that no motive or reason has been given for the occurrence by the informant. Though the informant states that he informed the police and police came and took them to hospital but the first version has not been produced and subsequently a written report antedating the same has been brought on record. Both the parties are agnates and there is dispute over joint family property though there is allegation of using spade, axe against the petitioners on informant and his brother, the allegation is falsified by the injury report which shows no visible injuries were found on the person of informant or his brother. On the other hand, the injuries of the petitioner show fracture of bone and thus their injuries are grievous. Learned counsel further submits that so far as CCTV footage showing petitioners repeatedly assaulting the informant and his family members is concerned, the said CCTV footage appears to be manufactured in the light of the injury report of the informant and his brother. There is no material to show the authenticity of such CCTV footage. Learned counsel further submits that the petitioners are having clean antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioners.

06. Having regard to the facts and circumstances and



submission made on behalf of the parties and considering the case and its counter version and further considering absence of any visible injuries on the informant and his brother and further considering possibility of false accusation, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Court of J.M.F.C., Samastipur in connection with Pusa P.S. Case No. 125 of 2024, subject to the condition laid down under Section 482(2) of the B.N.S.S 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)

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