

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42494 of 2025

Arising Out of PS. Case No.-2 Year-2024 Thana- BAHERA District- Darbhanga

1. Ganesh Jha, S/O Late Raj Narayan Jha, Resident of Village- Dherukh, Police Station- Bahera, District- Darbhanga
2. Shyam Chandra Jha @ Shyam Chandar Jha, S/O Late Raj Narayan Jha, Resident of Village- Dherukh, Police Station- Bahera, District- Darbhanga
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 44866 of 2025

Arising Out of PS. Case No.-2 Year-2024 Thana- BAHERA District- Darbhanga

Ram Babu Jha, S/o Late Shatyanarayan Jha@Sataynarayan Jha, R/o Village- Dherukh, P.S.- Bahera, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 42494 of 2025)

For the Petitioner/s : Mr. Durga Nand Jha, Adv.
For the Opposite Party/s : Mr. Pushpa Sinha.1, APP
For the Informant : Mr. Nilendu Kumar Chaudhary, Adv.

(In CRIMINAL MISCELLANEOUS No. 44866 of 2025)

For the Petitioner/s : Mr. Durga Nand Jha, Adv.
For the Opposite Party/s : Mr. Tapeshwar Sharma, APP
For the Informant : Mr. Nilendu Kumar Chaudhary, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 15-10-2025 Heard Mr. Durga Nand Jha, learned Advocate appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State. The informant is represented through Mr. Nilendu Kumar Chaudhary, learned Advocate.

2. The petitioners apprehend their arrest in connection with Bahera P.S. Case No. 02 of 2024, registered for the



offences punishable under Sections 143, 341, 323, 308, 379, 504 and 34 of the Indian Penal Code (under sections 189(2), 126(2), 115, 110, 303, 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023).

3. Allegedly on the fateful day all of sudden the petitioners alongwith others came there and started abusing, which was objected by the informant. Later on, when the informant went to his bed, in the meanwhile, again the petitioners and others came there and started assaulting by means of iron rod, due to which he sustained serious injuries. There is further allegation of snatching of some valuables even in presence of the police officials.

4. Learned Advocate appearing on behalf of the petitioners submitted that there is a counter version of the present case being Bahera P.S. Case No. 8 of 2024 instituted by the petitioner's side against the informant and others. The injuries which is allegedly sustained to the informant is concerned, the same has been found to be simple in nature. All the more, both the parties are in litigating terms and on the alleged fateful day, they have entered into a scuffle, resulting into some unfortunate injuries. The petitioners undertake that they will not repeat the occurrence.

5. On the other hand, learned Advocate for the State



and the learned Advocate for the informant vehemently opposed the pre-arrest bail application and submits that besides the fact that some of the petitioners are having criminal antecedent, they have actively participated in the crime and brutally assaulted the informant.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the factum of case and counter case, coupled with the simple nature of injury, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount **each** to the satisfaction of the learned Additional Chief Judicial Magistrate, Benipur in connection with Bahera P.S. Case No. 2 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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