

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41272 of 2025

Arising Out of PS. Case No.-34 Year-2025 Thana- MADHWAPUR District- Madhubani

Shiv Shankar Jha @ Pitambar Jha S/o Late Narmadeshwar Jha R/o vill -
Bihari, ward no. 04, P.s. - Madhwapur, Distt.- Madhubani, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Rashmi

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner is apprehending arrest in connection with Madhwapur P.S. Case No. 34 of 2025 registered for the offences punishable under Sections 115, 118, 117, 126, 329, 352, 351, 3(5) of the B.N.S.

3. As per prosecution case, there is allegation against the petitioner who is said to have assaulted the informant and in course of saving himself the informant sustained injury on his left hand and his finger got broken. Petitioner is further alleged to have assaulted by means of lathi on the chest of the informant. The wife of the petitioner is alleged to have caught the hair and slapped the informant.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence as alleged in the first information report. The alleged occurrence took place on 22.03.2025 and the F.I.R. was lodged on 26.03.2025 after of four days without any plausible explanation, which questions the authenticity of the F.I.R. The delay in lodging the F.I.R. clearly indicates as to how injuries have been manipulated. It is further submitted that though there is allegation of assault against the petitioner, but the injury is on the non-vital part of the body, as is evident from the Injury Report contained in Annexure-P/2. Petitioner is uncle of the informant and there is admitted land dispute between the parties and on account of land dispute petitioner has been falsely implicated in the present case. In cases of land dispute facts are generally exaggerated to make the offence graver. Petitioner is an old man aged about 75 years and prudently and pragmatically it does not seem possible for him to assault the informant as has been shown in the prosecution story. Though petitioner has criminal antecedent of three cases in which he is on bail but all the cases were lodged more than 10 years prior to the present case. Basically, petitioner has nothing to do with the alleged occurrence and he has been falsely implicated in this case merely to create pressure upon him to vacate the land which is



dispute between the parties. Learned counsel further submits that petitioner is ready to cooperate in the investigation.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner. He submits that there is specific allegation of assault against the petitioner, and as such, he does not deserve to be granted privilege of anticipatory bail.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner, above named, in the event of arrest or surrender 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 Additional Chief Judicial Magistrate,-cum-Munsiff, Benipatt, Madhubani in connection with Madhwapur P.S. Case No. 34 of 2025, subject to the conditions as laid down under section 482(2) of the Code of Criminal Procedure.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial Court bringing to its notice that petitioner despite



giving assurance to this Court is not cooperating in the investigation, in that event, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Alok Kumar Pandey, J)

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