

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48028 of 2025

Arising Out of PS. Case No.-131 Year-2025 Thana- SHAHPUR PATORI District- Samastipur

Gauri Kant Jha @ Gaudi Kant Jha S/o Late Pragash Jha R/o Vill- Chaksaho,
P.S.- Patori, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-08-2025 Heard Mr. Mukesh Kumar, learned counsel for the

petitioner and Mr. Binod Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Patory P.S. Case No. 131 of 2025, F.I.R. dated 08.04.2025 for the offences punishable under Sections 126(2), 115(2), 109, 303(2), 352, 351(2) and 3(5) of the Bhartiya Nyay Sanhita, 2023.

3. As per the First Information Report, the informant alleged that when her husband went to market for personal work, in the meantime, on the way, the petitioner along with other accused persons surrounded him and assaulted him by means of lathi and rod. It is further alleged that the petitioner



snatched golden locket from his neck and Rs.10,000/- from his pocket.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. From bare perusal of the FIR it appears that although the petitioner is named in the FIR but there is no specific allegation of assault or overt act against him. Specific allegation against petitioner is that he is the order giver and his son and his grand-son have assaulted the informant. There is land dispute between the parties for which one Title Suit No:-65 of 2021 is going on in between the parties and there is case and counter case also.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner. He further submits that the petitioner carries six criminal antecedents other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the pending matters.

6. Considering the aforesaid facts and circumstances, there is no specific allegation against the petitioner and at best he is the order giver and there is case and counter case and there is land dispute between the parties, let the petitioner, above



named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. Samastipur in connection with Patory P.S. Case No. 131 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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