

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52599 of 2025

Arising Out of PS. Case No.-59 Year-2025 Thana- ROSERA District- Samastipur

1. Mukesh Kumar Jha @ Mukesh S/o Sudhir Jha R/o Village- Nandenagar Balha, PS- Rosera, Distt- Samastipur
2. Vikram Kumar Jha S/o Anil Jha R/o Village- Nandenagar Balha, PS- Rosera, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Singh, Advocate
For the State	:	Mr. Satyendra Prasad, A.P.P.
For the Informant	:	Mr. Mritunjay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-08-2025 Heard Mr. Manoj Kumar Singh, learned counsel for the petitioners, Mr. Mritunjay Kumar Singh, learned counsel for the informant and Mr. Satyendra Prasad, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Rosera P.S. Case No. 59 of 2025, F.I.R. dated 27.02.2025 for the offences punishable under Sections 126(2), 115(2), 117(2), 109, 352, 74 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, on 19.02.2025 at about 7:30 P.M., while informant was returning from Bhola Baba Temple, accused Mohan Jha, Pankaj Kumar, and Pankaj



Kumar Jha intercepted her, assaulted her with an iron rod causing head and right-cheek injuries, and snatched her gold chain. When her *gotani* Heera Devi intervened, Pankaj Jha bit her finger, causing injury. On hearing the commotion, Gopal Kumar Jha was assaulted by Shankar Jha with an iron rod and bamboo sticks, causing head injury and nose bleeding; Roshan Kumar Jha was assaulted by Vikam Kumar Jha and Aman Jha with an iron rod, causing head injury and bleeding; Subhash Chandra was assaulted by Dilip Jha and Prince Jha, causing hand injury; Shiv Chandra Jha was assaulted by Manoj Jha and Mukesh Jha; Ram Surat Jha was assaulted by Ram Mohan Jha and Karan Kumar Jha with an iron rod, causing head injury and bleeding; other accused also assaulted with tengari and other weapons; Shankar Jha and Manoj Kumar Jha assaulted Brij Bhusan Jha; and Shankar Jha and Mohan Jha assaulted Devrat Jha, causing leg injury.

4. Learned counsel for the petitioners submits that the petitioner no. 2 has clean antecedent and petitioner no. 1 has one case other than the present one but he is on bail in the pending matter. Learned counsel for the petitioners further submits that the allegation as alleged in the F.I.R. is false and fabricated. Although the petitioners are named in the F.I.R. and there is



specific allegation against the petitioner no. 1 that he assaulted one Shiv Chandra Jha and there is no specific allegation against the petitioner no. 2. Although, said Shiv Chandra Jha received injury but the injury of the Shiv Chandra Jha suggests that the injury is simple in nature and there is case and counter case. It appears from the F.I.R. itself that specific allegation of assault is attributed against the other co-accused persons.

5. The learned Additional Public Prosecutor for the State and learned counsel for the informant have vehemently opposed the prayer for bail of the petitioners and submits that the petitioners are named in the F.I.R. and there is specific allegation against them in the F.I.R.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Rosera, Samastipur in connection with Rosera P.S. Case No. 59 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. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds 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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