

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71300 of 2025

Arising Out of PS. Case No.-73 Year-2025 Thana- BANGARA District- Samastipur

1. Arun Jha S/O Suresh Jha Resident Of Village- Asha Dadri, Police Station- N. H. Bangra, District- Samastipur.
2. Pinku Jha S/O Maksudan Jha Resident Of Village- Asha Dadri, Police Station- N. H. Bangra, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 08-10-2025 Heard the learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with N.H Bangra P.S. Case No. 73 of 2025 for the offences punishable under Sections 126(2), 115(2), 352, 351(2), 308(3), 109(1) 74 and 3(5) of the BNS.

3. Learned counsel for the petitioners submits that the allegation against petitioner no. 1 is that he allegedly opened fire in the air, while the allegation against petitioner no. 2 pertains to outraging the modesty of the complainant. It is further submitted that the specific allegation of an overt act causing injury on the head of the informant is attributed to one *Mithilesh Jha*, and that the occurrence, as alleged, appears to have arisen out of a monetary dispute and personal enmity with



the family of the informant. Learned counsel further points out that as per the contents of the FIR, the incident took place on 11.06.2025, whereas the FIR was registered after an unexplained delay of 22 days on 04.07.2025 without any cogent reason being assigned therein for such delay. It is next submitted that the present FIR has been lodged only after the wife of petitioner no. 2 filed a complaint against the informant. Learned counsel fairly submits that petitioner no. 1 has a criminal antecedent of one case, while petitioner no. 2 is accused in two cases and both are on bail in the said matters.

4. On the other hand, learned APP vehemently opposes the prayer for grant of anticipatory bail to the petitioners.

5. Considering the aforesaid submissions and the fact that except for the allegation of having opened fire, no specific overt act has been attributed to the petitioners and no incriminating material has been recovered from the place of occurrence in support of the allegation under the Arms Act, this Court is inclined to extend the privilege of anticipatory bail to the petitioners.

6. Let the petitioners, above named, be released on bail, in the event of arrest or surrender within a period of four weeks, from the receipt of this order, on furnishing bail bond of Rs.



10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with N.H Bangra P.S Case No. 73 of 2025 subject to the conditions as laid down Section 482(2) of the BNSS, 2023 as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

Prakash/-

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