

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 76495 of 2025

Arising Out of PS. Case No.-119 Year-2025 Thana- BAHERA District- Darbhanga

1. Mod Narayan Jha S/o Upendra Jha @ Upendra Narayan Jha R/o Village-Basuham, P.S.- Bahera, District- Darbhanga
2. Raghuvir Jha @ Raghubir Jha S/o Upendra Jha @ Upendra Narayan Jha R/o Village- Basuham, P.S.- Bahera, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha

For the Opposite Party/s : Mr.Yogendra Kumar

CORAM: HONOURABLE MR JUSTICE AJIT KUMAR

ORAL ORDER

2 19-11-2025 Heard learned counsel for the petitioners and the learned APP for the State.

2 The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 115 (1), 116 (1), 351 (2), 352, 109, 324 (4), 74, 3 (5), 126 (1) and 118 (1) of the BNS, 2023.

3 The prosecution case is that on 15.03.2025 at about 4 PM, Raghubir Jha had an argument with the informant and on 16.03.2025 at around 6 AM, accused Upendra Jha, Ram Muni Jha, Mod Narayan Jha, Raghubir Jha, Lal Babu Jha @ China Jha and Kanhaiya Kumar Jha, carrying deadly weapons, reached at the door of the house of informant and started abusing him.



When the informant reached there, all the accused persons started beating him with kicks and fists. When informant's brother Binit Jha reached there, accused Mod Narayan Jha attacked him with farsa due to which his head started bleeding. After seeing him bleeding when informant's nephew Suman Jha reached there, Raghubir Jha assaulted him with iron rod on his head. The accused persons then entered in the house of informant and destroyed the items of the house. When females of the house objected the same, accused Lal Babu Jha insulted them and he also took briefcase kept in the house containing ornaments of gold, Rs 10,000 cash and other belongings. When they ran away, injured were taken to the Sub Divisional Hospital, Benipur from where they were referred to DMCH, Darbhanga.

4 Learned counsel for the petitioners submits that after registration of first information report at the instance of petitioner No 2 of this case, the instant FIR has been lodged as a counterblast after six days. From the allegations levelled in the FIR and on looking to the nature of injuries sustained, the allegations made against these petitioners does not get corroborated. It is next submitted that in the case, which is said to have been lodged at the instance of petitioner No 2, the



informant and his family members have been granted bail.

5 At this stage, the informant, who is represented through his counsel, submits that they should not be allowed the privilege of anticipatory bail taking note of nature of dispute which is existing between them on being confronted with the factual aspect with regard to lodging of the FIR.

6 Considering the fact that there is case and counter case and the instant case, which is said to have been registered after six days of registration of the FIR at the instance of petitioner No 2, both sides have sustained injuries, this Court is inclined to grant the privilege of anticipatory bail to the petitioners of this case also.

7 Let the petitioners abovenamed, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of this order, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of ACJM I, Benipur, Darbhanga in Bahera PS Case No 119 of 2025 subject to all conditions as laid down in Section 482 of the BNSS, 2023 and also the following conditions:

(i) One of the bailors should be the family member/relative of the petitioners who shall provide official document to show his/her 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 bonds 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 evidence, failing which the State shall be at liberty to take steps for cancellation of their bail bonds; and

(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.

8 This application is allowed.

(Ajit Kumar, J)

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