

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85166 of 2025

Arising Out of PS. Case No.-248 Year-2025 Thana- BAHERA District- Darbhanga

Rupesh Kumar Jha S/O Govind Jha R/O Vill.- Shivram, P.s- Bahera, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha, Adv.

For the Opposite Party/s : Mr.Nityanand, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-12-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with Bahera P.S. Case No. 248 of 2025, registered for the offences under Sections 126(2), 115(2), 109, 324(2), 303(2), 352, 351(2), 3(5) of the BNS.

3. As per the prosecution case, on dispute over right to way, the petitioner and other co-accused persons forcibly entered into the house of the informant and this petitioner gave a *farsa* blow on the head of the informant. The co-accused attacked the informant with sickle. Thereafter, all the assailants assaulted the informant with slaps, fists and legs causing a number of injuries to the informant. They also looted the house and took away Rs.5000/-and gold ornaments.



4. Learned counsel appearing on behalf of the petitioner submits that the informant is the own uncle of the petitioner and admittedly there is land dispute. Father of the petitioner has already given a piece of land to the informant from his own land but the informant demanded more land for the way and for this reason the occurrence took place. Though there is allegation against the petitioner that he gave a *farsa* blow on the head of the informant causing injury on his head but the injury is stated to be simple in nature and there is no repetition of blow. It show there was no intention to cause death and the occurrence took place in the spur of the moment. The petitioner is in custody since 17.10.2025 and he has two criminal antecedents.

5. Learned APP appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the simple nature of injury and period of custody of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned ACJM-I, Benipur Darbhanga/concerned court, in



connection with Bahera P.S. Case No. 248 of 2025, subject to the condition laid down under Section 480(3) of the BNSS and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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