

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1095 of 2025

Arising Out of PS. Case No.-271 Year-2020 Thana- BAHERA District- Darbhanga

1. NARAYAN JHA SON OF LATE NAKCHEDI JHA R/O- VILLAGE-POHADDI, PS-BAHERA, DISTT.-DARBHANGA
2. BHAGIRATH JHA SON OF LATE PITAMBER JHA R/O- VILLAGE-POHADDI, PS-BAHERA, DISTT.-DARBHANGA
3. DIPU JHA @ DIPU KUMAR JHA SON OF ULLAS JHA @ UMESH JHA @ UMESH KUMAR JHA R/O- VILLAGE-POHADDI, PS-BAHERA, DISTT.-DARBHANGA
4. VINOD JHA SON OF LATE HARISH CHANDRA JHA R/O- VILLAGE-POHADDI, PS-BAHERA, DISTT.-DARBHANGA
5. CHANDAN JHA @ CHANDAN KUMAR JHA SON OF LATE GANESH JHA R/O- VILLAGE-POHADDI, PS-BAHERA, DISTT.-DARBHANGA
6. AMARESH JHA @ AMARESH KUMAR JHA SON OF LATE HARISH CHANDRA JHA R/O- VILLAGE-POHADDI, PS-BAHERA, DISTT.-DARBHANGA
7. VILASH JHA @ RAM VILAS JHA @ VILAS JHA SON OF LATE NATHHE JHA @ LATE VISHWANATH JHA R/O- VILLAGE-POHADDI, PS-BAHERA, DISTT.-DARBHANGA
8. ULLAS JHA @ UMESH KUMAR JHA SON OF LATE NATHHE JHA @ RATNESHWAR JHA R/O- VILLAGE-POHADDI, PS-BAHERA, DISTT.-DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Uday Shankar Choudhary
For the State	:	Mr.Uday Pratap Singh
For the informant	:	Mr. Alok Kumar Jha
		Ms. Shweta Priya

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 27-02-2025 1. By order, dated 23.01.2025, this application, so far as it relates to petitioner no. 3, namely, Dipu Jha, was permitted to be withdrawn.
2. Heard learned Counsel for the petitioner no. 1, 2, 4 to 8,



learned Counsel for the informant and learned Additional Public Prosecutor for the State.

3. This application, for grant of anticipatory bail, arises out of Bahera Police Station Case No. 271 of 2020, dated 01.08.2020, disclosing offences punishable under Sections 147/148/149/341/323/307/379/427 of the Indian Penal Code and Section 27 of the Arms Act.
4. The prosecution case, as per the First Information Report, is that on 30.07.2020, at about 5:00 PM, while the informant was at her home, all accused persons, including the petitioners, armed with weapons, came and started abusing her. One of the co-accused, Pappu Jha, started searching the son of the informant. Sunny Jha, and questioning as to why he was not doing registry of the land in his favour, upon which when the informant asked to give proper consideration amount. Upon hearing this, co-accused Pappu Jha took out a pistol and fired at the informant, but somehow she ducked and the bullet hit the grill of the door. It has further been alleged that when the informant's brother-in-law came there, co-accused Pappu Jha fired upon him, which hit him in his right thigh. Thereafter, all the accused persons looted gold and silver



worth Rs 5 lakh from the house of the informant. They also vandalized the Marazzo and Duster cars parked outside her house. The accused persons tried to set ablaze the house of the informant by sprinkling petrol.

5. Learned Counsel for the petitioners submits that both the parties are closely related and there is dispute between them regarding land, which would be evident from the First Information Report itself. The allegation of firing is upon co-accused Pappu Jha, who has been arrested and has been granted bail by the concerned Court. He further submits that the allegation against these petitioners is general and omnibus in nature.
6. On the other hand, learned Counsel for the informant submits that the petitioners, along with other co-accused persons, entered into the house of the informant, vandalized the same, broken the cars standing in front of the house of the informant and tried to set ablaze the house of the informant. However, the police, in course of investigation, granted privilege of Section 41A of the Code of Criminal Procedure, 1973, to the petitioners and charge sheet has not yet been submitted. As such, there is no apprehension of arrest of the petitioners.



7. In reply, learned Counsel for the petitioners submits that the petitioner no. 3 has been arrested, as such, there is apprehension of arrest against the petitioners also.
8. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the police, in course of investigation, granted privilege of Section 41A of the Code of Criminal Procedure, 1973, to the petitioners and charge sheet has not yet been submitted, as such, there is no apprehension of arrest of the petitioners and the present application for grant of anticipatory bail of the petitioners is not maintainable at this stage.
9. However, if the petitioners have genuine apprehension of arrest, they may renew their prayer for anticipatory bail in accordance with law and can also take recourse to the decision passed by a co-ordinate Bench of this Court, in the case of Naushad Ansari v. The State of Bihar, passed in Criminal Misc. No. 3536 of 2024.
10. This application is, accordingly, disposed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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