

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9991 of 2016

Arising Out of PS.Case No. -48 Year- 2014 Thana -SAMASTIPUR MUFFASIL District-
SAMASTIPUR

Sanjiv Jha @ Sanjiv Kumar Jha, son of Late Kishori Jha @ Ram Kishore Jha, Resident of Village - Harpur Elauth, P.S. - Musarigharari, District - Samastipur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

With

Criminal Miscellaneous No.10720 of 2016

Arising Out of PS.Case No. -48 Year- 2014 Thana -SAMASTIPUR MUFFASIL District-
SAMASTIPUR

Rajan Jha @ Rajan Kumar Jha, Son of Birendra Jha, Resident of Village - Harpur Elauth, P.S. - Musarigharari, District - Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.9991 of 2016)

For the Petitioner : Mr. Nilesh Kumar, Advocate

For the Opposite Party : Mr. P.K.Chaurasiya (APP)

(In Cr.Misc. No.10720 of 2016)

For the Petitioner : Mr. Nilesh Kumar, Advocate

For the Opposite Party : Mr. Satyendra Prasad (APP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 11-04-2016 Both the above noted applications have arisen out of one occurrence, i.e. Samastipur Muffasil P.S Case No. 48 of 2014 registered for the offence punishable under Section 302/201 of the Indian Penal Code and section 27 of Arms Act, as such, they have been heard together and are being disposed of by this common

order.

Heard learned counsel for the petitioners and learned A.P.P representing the State.

Allegedly, Ram Bilash Rai, the husband of the informant was taken away by the petitioners and Bhola Jha on motorcycle at Mushrigharari market and thereafter nephew Dharmendra Rai stated that he has seen Ram Bilash Rai with Rajan Kuamr Jha, Birendra Kumar Jha, Sanjeev Kumar Jha, Bhola Jha and Shashi Jha. The husband of the informant did not return and his dead body was found having firearm injury. It is alleged that accused persons have caused threat to the deceased as he was doing pairvi in the case of Ranjeet Rai.

Submission is of false implication and that besides suspicion there is nothing against the petitioners no one has seen the petitioners committing the crime, it can be a case of last seen and further in this case co-accused Birendra Jha has been allowed pre arrest bail by another coordinate Bench of this Court and petitioners suffering in custody since 08.01.2016 also deserve sympathetic consideration.

Learned APP opposes the prayer of bail by submitting that the deceased went with the petitioners and thereafter his dead body was recovered.

In the facts and circumstances stated above, considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such, petitioners are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur in connection with Samastipur Muffasil P.S. Case No. 48 of 2014, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J.)

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