

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26517 of 2016

Arising Out of PS.Case No. -57 Year- 2016 Thana -BIHRA District- SAHARSA

Mithilesh Jha, son of Late Shiv Shankar Jha, resident of village- Sihaul, P.S.
Bihra, District- Saharsa

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha

For the Opposite Party/s : Mr

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 01-07-2016

As usual, none appeared on behalf of the State.

Heard Sri Arun Kumar Jha, learned counsel for the petitioner.

The sole petitioner, apprehending his arrest in connection with Bihra P.S. Case no.57/2016 registered for the offence under Sections 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act, has prayed for grant of anticipatory bail.

Learned counsel for the petitioner, by way of referring to F.I.R., submits that save and except suspicion against the petitioner, there is no allegation showing involvement of the petitioner. He submits that in the F.I.R. there is specific accusation against two accused persons, who participated in the occurrence and only on suspicion, the petitioner was made accused in this case. He further submits that in identical situation, one of the

accused, namely, Anil Kumar Jha, who was made accused like the petitioner, has already been granted anticipatory bail on 28.06.2016 vide Cr.Misc.No.25627 of 2016.

Besides hearing learned counsel for the petitioner, I have also perused the materials available on record including the impugned order. On perusal of the impugned order, it is evident that the investigation is still continuing. However, since one of the accused persons having similar accusation has already been granted anticipatory bail, there is no reason to deny the prayer for extending the privilege of anticipatory bail to the petitioner. Accordingly, let the petitioner, Mithilesh Jha, in the event of his arrest or surrender within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri S.K.Singh, learned J.M.-IV, Saharsa in connection with Bihra P.S. Case no.57/2016 with conditions that (i) one of the bailors must be blood relation of the petitioner, (ii) the petitioner will render full co-operation during investigation to the Investigating Officer and if the petitioner does not co-operate and the Investigating Officer approaches the court below regarding non-cooperation by the petitioner, the learned court below would be entitled to cancel his bail bond and (iii) the

petitioner is granted anticipatory bail till completion of investigation .If during investigation evidence is collected showing involvement of the petitioner and chargesheet is submitted against him, the bail bond of the petitioner shall stand automatically cancelled and thereafter, the petitioner will have to surrender before the court below and make a prayer for regular bail.

(Rakesh Kumar, J)

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