

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32478 of 2016

Arising Out of PS.Case No. -181 Year- 2014 Thana -BIHPUR District- BHAGALPUR

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Sunil Jha @ Bijli Jha son of Kamo Jha, resident of Village- Dayalpur, Distt. Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Vikram Singh, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 21-11-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 27.06.2016 in connection with Bihpur (Jhandapur) P.S. Case No. 181 of 2014 registered for the offence punishable under Sections 302, 120(B)/34 of the Indian Penal Code and under Section 27 of the Arms Act.

The prosecution case is that on 08.06.2014 at about 3:45 P.M. four unknown accused persons came near the cabin in which deceased Munshi Lokesh Mesran was working, one person entered into the cabin and fired upon the deceased causing injuries and when informant and others came there, all the accused persons fled away. Thereafter injured was brought to Mayaganj Hospital, Bhagalpur where he died during course of treatment.



It has been submitted by the learned counsel for the petitioner that he is not named in the First Information Report and is the owner of line hotel situated near the place of occurrence. It has further been submitted that only on the basis of suspicion and confessional statement of co-accused, Aman Jha, petitioner has falsely been implicated. He further submits that co-accused Aman Jha, on whose confessional statement petitioner has been implicated, has already been granted the privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 14408 of 2016 on 13.05.2016 and another co-accused has also been granted the privilege of bail by this Court in Cr. Misc. No. 35888 of 2016 on 20.08.2016. He submits that although charge-sheet has been submitted, but trial has not commenced.

However, learned A.P.P. for the State submits that although the petitioner is not named in the First Information Report, but his name has surfaced on the basis of confessional statement of co-accused, hence, opposes the prayer for bail.

Be that as it may, since other co-accused on whose confessional statement petitioner has been made accused, has already been granted the privilege of bail, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each

to the satisfaction of the learned Additional Chief Judicial Magistrate, Naugachhia (Bhagalpur) in connection with Bihpur (Jhandapur) P.S. Case No. 181 of 2014.

However, it is made clear that petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear in the learned Court below, as and when he is directed.

In terms of the above observations and directions, this bail application stands allowed.

(Nilu Agrawal, J.)

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