

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31112 of 2016

Arising Out of PS.Case No. -270 Year- 2015 Thana -BAHERI District- DARBHANGA

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Anchal Jha son of Bateshwar Jha, resident of village- Koeli, Police Station-
Nanpur, District- Sitamarhi. Petitioner

Versus

The State of Bihar Opposite Party

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with

Criminal Miscellaneous No.33820 of 2016

Arising Out of PS.Case No. -270 Year- 2015 Thana -BAHERI District- DARBHANGA

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Tunna Jha @ Chandra Ketu Jha son of Chandrakant Jha resident of Village-
Manick Chowk, Kamaldah Tole, P.S.- Runni Saidpur, District- Sitamarhi.

.... Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

(In Cr.Misc. No.31112 of 2016)

For the Petitioner/s : Mr. Girish Chandra Jha

For the Opposite Party/s : Mr. Smt. Pushpa Sinha

(In Cr.Misc. No.33820 of 2016)

For the Petitioner/s : Mr. Ashhar Mustafa

For the Opposite Party/s : Mr. Smt. Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 16-09-2016 Both the above Criminal Miscellaneous are of the same occurrence and, as such, have been heard together and are being disposed of by passing this common order.

Heard the learned counsel for the petitioners as well as the learned counsel representing the State.

The petitioners seek bail in connection with S.Tr. No. 146 of 2016 arising out of Baheri P.S Case No. 270 of 2015 registered for the offence punishable under Sections 302, 386,

387, 120B/34 of the Indian Penal Code and section 27 of the Arms Act.

Allegedly, Mukesh Kumar, the uncle of the informant and his companion Brajesh Kumar, who were Engineers in the C.N.C. Company allegedly were engaged in the construction of road work at Shiv Ram Chowk, Baheri and in the meantime, four unknown miscreants boarded on the motorcycle arrived and opened fire indiscriminately upon them and fled away. Both were taken to the Darbhanga Medical College Hospital for treatment but they succumbed to the injuries and the miscreants at the time of departure were making slogans "*Mukesh Pathak Jindabad and Vikash Jindabad*". During investigation, the names of the petitioners transpire that they are the active members of Santosh Jha's gang and they have formed an organization named as Bihar People Liberation Army. The petitioner Anchal Jha has confessed his guilt stating the name of other petitioner Tunna Jha @ Chandra Ketu Jha.

Submission is of false implication and that there is no legal and tangible material against the petitioners, they have been made victim of the circumstances, only on the basis that the two petitioners have got criminal antecedents they have been implicated in this case also, the confessional statement of Anchal

Jha made before the police had got no evidentiary value in the eye of law, without any legal and cogent material they have been charge sheeted, resulting, they are suffering in custody, to which the learned A.P.P. seriously opposes by submitting that during investigation sufficient materials have been collected which goes to suggest the involvement of the petitioners in the crime.

In the facts and circumstances as stated above, considering that both the petitioners have got criminal antecedent and against them sufficient materials have come to connect their complicity in the crime and as such, I am not inclined to enlarge the two petitioners on bail and accordingly, their such prayer stands rejected.

However, considering the detention of the petitioners, let the trial be expedited and concluded on the priority basis preferably within a period of nine months from the date of receipt/production of a copy of this order. The concerned Superintendent of Police is also directed to take all positive steps to produce the witnesses in the court and the learned trial judge, if possible, will keep the case on the day to day basis.

(Jitendra Mohan Sharma, J.)

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