

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.50046 of 2016**

Arising Out of PS.Case No. -139 Year- 2015 Thana -PATEPUR District- VAISHALI(HAJIPUR)

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Chhotu Jha son of Pawan Jha @ Pawan Kumar, Resident of Village- Bihar,  
P.S.- Barauni, District- Begusarai.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Ram Sumiran Rai, Advocate

For the Opposite Party : Smt. Asha Devi, APP

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

3      05-12-2016                      Heard the learned counsel for the petitioner and the  
  
learned APP for the State.

Petitioner is languishing in judicial custody since  
04.03.2016 in connection with Patepur P.S.Case No.139 of 2015  
for offence alleged under Sections 302, 363 and 365 of the IPC.

The prosecution case as lodged by the father of the  
deceased Kamal Kumar @ Chhotu is that he went to the marriage  
ceremony along with his two friends, namely, Nitesh Kumar and  
Yuvraj Jha and five named accused persons including the  
petitioner have kidnapped the informant's son. Thereafter on the  
basis of FIR lodged by the *Chaukidar*, the dead body of the  
informant's son was found.

It has been submitted by the learned counsel for the  
petitioner that he is innocent and has falsely been implicated in the  
aforesaid case. He further submits that the informant's son was



himself a dreaded criminal and no one has seen the petitioner killing the informant's son. He further submits that the petitioner is a co-villager and has no criminal history. He further submits that in fact the Scorpio car which was alleged to have used for kidnapping was being driven by one of the friends of the deceased, namely, Nitesh Kumar. He further submits that chargesheet has already been submitted and the petitioner has voluntarily surrendered on 04.03.2016 and is languishing in judicial custody since then. He further submits that another named co-accused has since been granted the privilege of bail in Cr.Misc.No.27375 of 2016 on 09.09.2016 on similar allegation.

However, learned APP for the State submits that the petitioner is named in the FIR, hence opposes the prayer for bail.

Be that as it may, since the chargesheet has already been submitted and another co-accused has since been granted the privilege of bail, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Hajipur in connection with Patepur P.S.Case No.139 of 2015.

**(Nilu Agrawal, J)**

B.Kr./-

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