

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6863 of 2017

Arising Out of PS.Case No. -60 Year- 2016 Thana -ASHOK PAPER MILL District- DARBHANGA
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Abhinav Kumar @ Abhinav Kumar Jha @ Vishal Jha Son of Sri Gunanand
Jha, Resident of Village- Rambhadrapur, P.S.- Ashok Paper Mill (Patore
O.P), District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Kaushalesh Choudhary, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP
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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 29-03-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
04.07.2016 in connection with Ashok Paper Mill P.S. Case No. 60
of 2016, G.R. No. 2129 of 2016 registered for the offence
punishable under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

The prosecution case is that two unknown miscreants
came in the hotel of the informant and one of them started
proceeding towards the daughter of the informant inside the hotel,
which was protested by one Dilip Mandal, who was shot dead.

It has been submitted by the learned counsel for the
petitioner that there was a land dispute between the parties and as



such the petitioner has been falsely implicated along with three others. Two of them have been granted the privilege of bail by Coordinate Benches of this Court in Cr. Misc. No. 50899 of 2016 on 28.01.2017 and Cr. Misc. No. 1415 of 2017 on 16.03.2017. It is further submitted that petitioner has been made accused only on the basis of suspicion and as per statement of the witnesses, as is evident from paragraph 27 of the case diary. He further submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that the petitioner is although not named in the First Information Report, but during course of investigation, his name surfaced and that he has criminal antecedent and he has been made accused in five cases earlier, hence, opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, 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 Sri Amit Kumar, learned Judicial Magistrate 1st Class, Darbhanga in connection with Ashok Paper Mill P.S. Case No. 60 of 2016, G.R. No. 2129 of 2016, subject to the condition that one of the bailors must be a close relative of the petitioner and other



bailor must have sufficient immovable properties within the jurisdiction of the concerned police station and that petitioner will appear before the police/ Court on each and every date and his failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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