IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 20600 of 2017

Arising Out of PS.Case No. -16 Year- 2017 Thana -BIHPUR District- BHAGALPUR

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1. Bipin Jha, S/o Late Balkrishna Jha
2. Deepak Kumar Jha @ Gore, S/o Bipin Jha

Both resident of Village – Bhramarpur, P.S. Bihpur, District Bhagalpur

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :
For the Petitioners : Mr. Vinod Gautam, Advocate
For the Opposite Party : Mr. Ram Bachan Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 08-11-2017 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are in custody since 21.01.2017 in connection with Bihpur P.S. Case No. 16 of 2017 registered for offences under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act besides other minor Section of the Penal Code.

According to First Information Report, the petitioners caught the hands of the father of the informant and co-accused Pankaj Jha @ Kundan Jha fired from his firearm causing injury or death of the father of the informant.

The record reveals that the petitioners have got criminal antecedent. However, they wrongly stated in the bail

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petition that they have got no criminal antecedent.

Considering the aforesaid circumstances, after consideration of show cause of the deponent, this Court had directed for filing of the criminal complaint against the deponent and Criminal Complaint No. 115 of 2017 has already been filed in the court of learned Chief Judicial Magistrate, Patna as per report dated 11.10.2017.

Considering the allegation and the criminal antecedent of the petitioners, I am not inclined to enlarge them on bail for the present in connection with Bihpur P.S. Case No. 16 of 2017 pending in the court of learned Additional Chief Judicial Magistrate-IV, Naugachia, Bhagalpur/successor court.

However, the petitioners are at liberty to renew the prayer for bail before the court below itself.

It has been informed that prosecution evidence is already going on in the case.

If the trial is not concluded within six months form the date of receipt/production of a copy of this order, the learned trial Judge will consider the prayer for bail of the petitioners favourably.

(Birendra Kumar, J)

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