

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 18310 of 2017

Arising Out of PS.Case No. -68 Year- 2006 Thana -JHANJHARPUR District- MADHUBANI

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Mukesh Kumar Jha @ Bambholi Jha, Son of Taranand Jha, resident of
Village Bharam, P.S. Bhairab Asthan, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha

For the Opposite Party/s : Mr. Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 10-05-2017 Heard Sri Manoj Kumar Jha, learned counsel for the
petitioner and Sri Parmeshwar Mehta, learned Addl. Public
Prosecutor.

This is the 2nd attempt for grant of bail on behalf of the
petitioner in Sessions Trial No. 47 of 2017 (arising out of
Jhanjharpur/Bhairab Asthan P.S. Case No. 68 of 2006) registered
for offence under Sections 307/34 of the Indian Penal Code &
Section 27 of the Arms Act, 1959 and subsequently, Section 302
of the Indian Penal Code was added.

It was submitted by learned counsel for the petitioner
that despite the fact that petitioner is in custody since 26-04-2016,
till date charge has not been framed. He further submits that in the
case, none has seen the occurrence and only on suspicion,



petitioner has been made accused.

Sri Parmeshwar Mehta, learned Addl. Public Prosecutor submits that once on merit, the prayer for bail of petitioner was rejected, there is no point to consider whether the petitioner was made accused on suspicion or not. However, he was not in a position to dispute that till date charge has not been framed.

In this case, earlier by order dated 19-04-2017, a report was called for from the court below, which has been received and kept at flag 'A'. The report dated 27th April, 2017 of the learned Additional Sessions Judge II, Madhubani corroborates the submission of learned counsel for the petitioner that till date charge has not been framed.

In view of facts and circumstances, there is no reason to further detain the petitioner.

Let the petitioner namely Mukesh Kumar Jha @ Bambholi Jha be enlarged 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 Additional Sessions Judge VI, Madhubani in connection with Sessions Trial No. 47 of 2017 (arising out of Jhanjharpur/Bhairab Asthan P.S. Case No. 68 of 2006), with condition that one of the bailor must be blood relation



of the petitioner and secondly, during trial, the petitioner shall remain physically present before the trial court on each and every date. If continuously on two dates, the petitioner remains absent, without prior permission of the trial court, his bail-bond shall stand automatically cancelled.

(Rakesh Kumar, J.)

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