

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59259 of 2017

Arising Out of PS.Case No. -29 Year- 2017 Thana -SHIWAPATHI District- MUZAFFARPUR

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Vikash Kumar Jha @ Vikash Kumar Ojha Son of Late Ugra Narayan Jha
Resident of Village - Ghosaut, P.S. - Shiwaipatti, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur

For the Opposite Party/s : Mr. Smt Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 11-01-2018 Heard the learned counsels for the petitioner and the

State.

The petitioner seeks bail in connection with Sessions
Trial No. 482 of 2017, arising out of Shiwaipatti P.S. Case No. 29
of 2017 dated 03.04.2017 instituted for the offences under
Sections 302, 201 and 34 of the Indian Penal Code.

A dead body was reported to be lying in the field of
one Lallan Kumar. The aforesaid dead body was later identified to
be that of one Md. Miraj, a tempo driver who had been earning his
livelihood by running a tempo.

During the course of investigation one Chandan
Kumar Jha was arrested who disclosed that he along with the
petitioner and two others had hired the tempo of the deceased and



had later killed him by pressing his neck. From the possession of the aforesaid Chandan Kumar Jha, one mobile of the deceased was also recovered. On the confession of aforesaid Chandan Kumar Jha, another accused person viz. Golu @ Alok was arrested and from whose possession another mobile telephone was recovered in which, the SIM Card was found to be in the name of the mother of the petitioner. It has further come during the course of investigation, though, through the mouth of the co-accused persons in their confession that the tempo of the deceased was concealed in the house of the petitioner. However, the tempo has been recovered not from the house of the petitioner but from near the house of the petitioner.

Mr. Hari Kishore Thakur, the learned advocate for the petitioner has submitted that the name of the petitioner has been taken by the co-accused persons because they are on inimical terms with him and under what circumstances, the SIM card of Golu @ Alok's telephone was found to be in the name of the mother of the petitioner, is not known to the petitioner. Apart from the confession of the two accused persons, there is no other material to connect the petitioner with the crime. Alok Kumar @ Golu Jha has been granted bail by this Court by order dated 01.12.2017 passed in Cr. Misc. No. 45686 of 2017.



The petitioner is in custody since 27.04.2017 and does not bear any criminal antecedent.

For the facts stated above, the petitioner, the petitioner above named is directed to be released on bail on his furnishing bail bond in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 8th Additional Sessions Judge, Muzaffarpur in connection with Sessions Trial No. 482 of 2017, arising out of Shiwaipatti P.S. Case No. 29 of 2017.

(Ashutosh Kumar, J)

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