

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61614 of 2017

Arising Out of PS.Case No. -224 Year- 2014 Thana -BENIPATTI District- MADHUBANI

- =====
1. Ravi Shankar Jha,
 2. Bhavi Jha @ Bhavendra Kumar Jha, both sons late Suresh Jha, R/o Village- Gaibipur, P.S.- Benipatti, District- Madhubani,
 3. Rajeev Jha, s/o late Vishwanath Jha, r/o village- Gaibipur, P.S.- Benipatti, District- Madhubani.
 4. Madhu Kant Jha @ Madhukant Chaudhary @ Mod Narayan Chaudhary, s/o not known, r/o village- Jhitki, P.S.- Khirhar, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Anju Jha, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

Mr. Ratanakar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 29-03-2018

Heard learned counsel for the petitioners and learned

APP for the State as well as counsel for the informant.

Petitioners apprehend their arrest in **Benipatti P.S.**

Case No.224 of 2014 instituted for the offence under Section(s)
302/34 Indian Penal Code.

The informant has alleged in the written report that he is working as labourer in the Cold Storage near BMP, Darbhanga and his wife is working as a cook in Primary School, Gaibipur. Father of the informant has mortgaged his two *Bighas* land for money in favour of Suresh Jha, who used to keep the yield of that land. The informant paid Rs.5200/- on 17.03.2013 to



the family members of late Suresh Jha and from that time, Kali Devi, wife of Suresh Jha and his sons, Ravi Shankar Jha and Bhavi Jha (petitioner nos.1 and 2) and *Deyad*, Moti Devi, and her son, Rajeev Jha, has enmity with him and they have given threatening to him for dire consequences. The informant went to his village on 20.09.2014 and saw that his house was locked, but window was opened and his wife was lying dead on the cot. Informant enquired regarding key of the lock, then Kali Devi stated to him that key is lying near window. The informant opened the door and saw that his wife was dead.

Counsel for the petitioners has submitted that petitioners are close relative of the informant. They have been made accused due to land dispute on suspicion. Counsel for the petitioners has further submitted that for the same date of occurrence, UD case bearing UD case no.08 of 2014 was instituted by the uncle of this informant.

Counsel for the informant has appeared and opposed the prayer for bail.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with **Benipatti P.S. Case**



No.224 of 2014, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the **Chief Judicial Magistrate, Madhubabni**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions:
(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bonds and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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