

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55107 of 2018

Arising Out of PS.Case No. -136 Year- 2018 Thana -MAHISHI District- SAHARSA

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1. Bechan Jha, Son of Vishundhar Jha, Resident of Village- Maheshi, P.S.
- Maheshi, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Smt. Pronati Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 29-10-2018 Heard the parties.

The petitioner seeks regular bail in connection with Maheshi P.S.case No.136 of 2018 registered for offences punishable under Sections 341, 342, 447, 324, 307, 504/34 of the Indian Penal Code.

Allegation against the petitioner as per FIR is that co-accused Rakesh Kumar Jha used to misbehave with the informant and used to call her in the night on mobile and when she not used to receive the phone calls, the co-accused Rakesh Kumar Jha came and sprinkled k-oil and set her on fire. It is further alleged that at that time the petitioner and the other co-accused persons were also present.

Submission of the learned counsel for the petitioner is that



there is no allegation of sprinkling k-oil and setting her on fire against the petitioner and the other co-accused persons having similar allegation have been granted bail by a co-ordinate Bench of this Court, vide order dated 11.10.2018 passed in cr. Misc. No.58290 of 2018. The petitioner is in custody since 29.6.2018.

Heard learned A.P.P. also and the learned counsel for the informant. They have opposed the prayer for bail stating that the petitioner was also present along with other co-accused persons and he was also involved in crime and the FIR has been lodged on the statement of the informant before the Doctor but later on she died, as such he does not deserve bail.

Having heard both sides and in view of the facts and circumstances, as stated above, and two co-accuse persons, having similar allegation, have been granted bail, as such let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Saharsa in connection with Maheshi P.S.Case no.136 of 2018 with condition that he has co-operate in disposal of the trial.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper



- with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and in the event of failure to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bond.
- With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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