

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24507 of 2019

Arising Out of PS. Case No.-251 Year-2018 Thana- CHHATAPUR District- Supaul

BISHESHWAR JHA, Son of Badri Narayan Jha @ Badri Na. Jha, Resident of
Village- Daharia, P.S.- Chhatapur, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Advocate

For the Opposite Party/s : Mr. Rajeev Nayan (App 231)

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 09-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in **Chhatapur P.S. Case No.251**
of 2018 instituted for the offence under Section(s) 302, 120-
B/34 Indian Penal Code.

Counsel for the petitioner submits that instant case has
been lodged after delay of three months from the date of
occurrence. Informant herself was accompanying the deceased
right from the date of accident i.e. 23.05.2018 till his death on
31.05.2018. Husband of the deceased, Jeevan Jha, was fully
conscious, but he did not give any statement before his death.

In the written report, it is alleged that informant had
given rupees two lac to the petitioner for registry of land for
which date was fixed on 24.05.2018. Water-motor of the
informant was stolen in the night of 20.05.2018 for which no
complaint was lodged. In the night of 23.05.2018 at about 9.30



PM, the petitioner came to residence of the informant and asked her husband to collect the stolen water-motor as the same has been recovered. Husband of the informant went with the petitioner on his motorcycle without his mobile. In the night at about 2-2.30 this petitioner called his son, Nigam Jha, to come as Jeevan Jha has met with an accident. Thereafter, Nigam Jha asked his neighbour, Subodh Mishra, for his Tempo as his vehicle was out of order. On reaching the spot, Subodh Mishra saw the petitioner, Bhupan Sardar and two more persons, who were hiding their face by towel, were standing. All of them put the injured in the vehicle and reached the house at 2.30 AM. When the informant asked from the petitioner as to what happened to his husband, he told that nothing has happened. He has taken some excess wine. It is alleged that when condition of the deceased did not improve, he was taken to local doctor from where he was referred to Saharsa. Thereafter, he was brought to Patna, and, ultimately, shifted to Delhi for treatment, but he died on 31.05.2018 during course of treatment.

In this manner, from the written report, it appears that mere suspicion has been raised against the petitioner.

Counsel for the petitioner further submits that co-accused, Nigam Jha, has already been granted regular bail by co-ordinate Bench of this Court by order dated 25.04.2019 passed in Cr. Misc. No.7447 of 2019.



Petitioner is in custody since 25.10.2018.

In the facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Chief Judicial Magistrate, Supaul**, in connection with **Chhatapur P.S. Case No.251 of 2018**, subject to the condition that both the bailors shall be close relative of the petitioner.

(Sanjay Priya, J)

J. Alam/-

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