

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26810 of 2019

Arising Out of PS. Case No.-179 Year-2007 Thana- BIBHUTIPUR District- Samastipur

1. PARMOD KUMAR MAHTO Son of Ram Sagar Mahto Resident of Village- Sohilwara, P.S.- Mansurchak, District- Begusarai.
2. Vinay Kumar Jha @ Vinay Jha Son of Ramakant Jha Resident of Village- Sohilwara, P.S.- Mansurchak, District- Begusarai.
3. Jitendra Jha Son of Udgar Jha Resident of Village- Sohilwara, P.S.- Mansurchak, District- Begusarai.
4. Dharmendra Kumar Jha @ Munna Jha Son of Udgar Jha Resident of Village- Sohilwara, P.S.- Mansurchak, District- Begusarai.
5. Ramanand Jha @ Manna Jha @ Munna Jha Son of Bodhan Jha Resident of Village- Sohilwara, P.S.- Mansurchak, District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vibhakar Kumar, Adv
For the Opposite Party/s : Mr.J.,K.Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 24-04-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 323, 337 and 302 IPC registered in connection with Bibhutipur P.S. Case No. 179 of 2007.

3. It is submitted that the petitioners have been falsely implicated and in any event after due investigation, the police submitted final form on 31.01.2010 as no evidence was found against the petitioners, rather offence was found only against three persons namely, Hari Thakur, Lato Jha and Subodh Jha. It is submitted that differing from the final form, cognizance has been taken on 18.04.2013, but NBW has been issued for the first time



on 08.09.2018/10.09.2018, thus raising apprehension of arrest. It is submitted that the complaint has been filed after considerable delay on 10.10.2007 even though the bodies were recovered by the police on 02.10.2007 on which date the complainant/informant identified the bodies. U.D. Case No. 30/2007 had been registered earlier on 02.10.2007 by the police. It is submitted that similarly situated co-accused Saroj Kumar Thakur @ Saroj Thakur and Naresh Jha @ Ram Naresh Jha have been granted anticipatory bail by this Court in Cr. Misc.16695 of 2019. Petitioner nos. 1,2 and 3 claim clean antecedents. A statement is made at the Bar that the petitioner no. 4 is accused in one prior case of different nature.

4. Be that as it may, in the event of the petitioners arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned SDJM, Rosera, District Samastipur, in connection with Bibhutipur P.S. Case No. 179 of 2007 subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

i. That one of the bailors shall be a close relative of the petitioners.

ii. That the petitioners shall not indulge in any similar offence till conclusion of the trial.

iii. That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

iv. The petitioners shall remain physically present in Court on



each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Chandran/-

U		T	
---	--	---	--

