

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47719 of 2019

Arising Out of PS. Case No.-124 Year-2019 Thana- SHEOHAR District- Sheohar

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BYAS NANDAN JHA @ BYAS JHA Son of Late Vijay Kant Jha Resident of
Village - Sugiya Katsari, P.S.- Town, District- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate
		Mr. Baidya Nath Thakur, Advocate
For the Opposite Party/s	:	Mr. Ram Sumiran Rai, APP
For the Informant	:	Mr. Devendra Kumar, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 16-11-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Learned counsel for the informant is also present.

The petitioner is apprehending his arrest in connection
with Sheohar P.S. Case No. 124 of 2019 for the offence
registered under Sections 307, 120(B), 302 and 34 of the Indian
Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that though
the petitioner is named in the first information report, the
allegation against him is that he had also participated in the
occurrence and it is submitted that he was the main conspirator
in the alleged act of killing of the deceased, brother of the
informant. It is further submitted that, save and except, the bald



statement that the petitioner is the conspirator, there is no further material on record to implicate the petitioner nor has the investigation yielded any such further story with regard to the conspiratory angle as alleged in the first information report. It is further submitted that even assuming the petitioner was present there, no overt act has been attributed to the present petitioner and being a government servant, will suffer irreparably if he is taken behind the Bar. Learned counsel for the petitioner further undertakes that, as and when required, the petitioner makes himself present for further investigation and also during the course of the trial.

Learned counsel for the Informant submits that the petitioner has been alleged to be the main conspirator in a case under Section 302 of the Indian Penal Code and, therefore, he does not deserve the benefit of pre-arrest bail. The presence of the petitioner has been undoubtedly stated in the first information report as one of the person who had collected and which finally led to the commission of the crime.

Learned counsel for the State, after perusal of the case diary, submits that save and except the bald allegation made in the first information report, there is no further material in the case diary to substantiate the conspiracy angle as alleged in the



first information report. He also submits that no overt act has been attributed to the present petitioner.

Considering the aforesaid facts and circumstances of the case and that the petitioner is a government servant having no criminal antecedent, let the petitioner, above named, in the event of his arrest/surrender before the learned court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Sheohar in connection with Sheohar P.S. Case No. 124 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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