

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50721 of 2019

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

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ARVIND JHA @ ARVIND KUMAR Son of Mahendra Jha Resident of
Village- Sugiya Katsari, P.S.- Sheohar, District- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Opposite Party/s : Mr.Narsingh Tanti

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 27-11-2019 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Sheohar PS case no. 124 of 2019 registered
for the offences punishable under Sections 302, 307, 120(B)/34
IPC and 27 of Arms Act.

The allegation is regarding the accused persons
including the petitioner herein, having surrounded the brother of
the informant and thereafter, the co-accused persons namely
Jangi Jha, Raushan Jha and Satish Jha are said to have fired
from their pistol on the brother of the informant, resulting in his
death.

The learned counsel for the petitioner submits that
as far as the petitioner is concerned, there is no allegation of any



sort of overt act, much less of having fired gun shots. It is further submitted that the case of the petitioner is absolutely similar to that of the co-accused person namely Byas Nandan Jha who has already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 16.11.2019 passed in Cr. Misc. no. 47719 of 2019.

The learned counsel for the informant has vehemently opposed the prayer for bail and has submitted that the anticipatory bail petition of one of the co-accused namely Satish Jha has been rejected by a co-ordinate Bench of this Court vide order dated 22.08.2019 passed in Cr.Misc. no. 52488 of 2019.

I have heard the learned counsel for the parties and I find that as far as the case of Satish Jha is concerned, the same is distinguishable in the facts and circumstances of the present case, inasmuch as there is direct allegation upon the said co-accused Satish Jha of having fired from his pistol on the deceased, whereas the petitioner is not stated to have fired from his pistol, hence his case is similar to that of the co-accused Byas Nandan Jha who has been granted privilege of anticipatory bail, as aforesaid.

Considering the parity of the case of the petitioner



with that of the co-accused Byas Nandan Jha, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Sheohar in connection with Sheohar PS case no. 124 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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