

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14164 of 2020

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

Avnish Jha, aged about 24 years, male, son of Mahesh Jha, resident of village -
Menthora Ward No. 8, Police Station - Dumra, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Prasad Singh, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 05-06-2020

The matter has been heard *via* video conferencing due
to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Sunil Prasad Singh, learned counsel for
the petitioner and Mr. Umanath Mishra, learned Additional
Public Prosecutor (hereinafter referred to as the 'APP') for the
State.

3. The petitioner is in custody in connection with
Sheohar P.S. Case No.124 of 2019 dated 09.06.2019 instituted
under Sections 307, 302, 120-B Indian Penal Code and 27 of the
Arms Act.

4. The petitioner, though not named in the First
Information Report, is alleged to have been party to the murder
of one of the brothers of the informant and murderous attack on
another brother.

5. Learned counsel for the petitioner submitted that



specific name of various persons have been taken in the First Information Report and it has not been stated that there were any other unknown persons also. It was submitted that the petitioner is not one of the persons named by the informant in the First Information Report. It was further submitted that many named co-accused have been granted bail. Learned counsel submitted that only on the confessional statement of some co-accused, the petitioner has also been implicated but no specific role has been assigned even in such statements. It was submitted that the petitioner does not have any other criminal antecedent and is in custody since 09.07.2019.

6. Learned APP submitted that the named co-accused have taken the name of the petitioner as also one of the persons involved in the crime. However, he did not controvert that he has not been named in the First Information Report in which it has also not been alleged that there were any other unnamed assailants and further, that no specific role has been assigned to the petitioner even in the confessional statements of various other co-accused.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bond of



Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the District & Sessions Judge, Sheohar, in Sessions Trial No.97 of 2019 arising out of Sheohar P.S. Case No.124 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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