

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14924 of 2020

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1. Shankar Kumar Jha @ Shankar Jha son of Shashikant Jha@Sashikant Jha
 2. Satish Kumar Jha son of Late Raj Narayan Jha
 3. Shashikant Jha@ Shashikant Jha son of late Jaikant Jha
 4. Shambhu Jha son of son of Shashikant Jha@Sashikant Jha

All are resident of village Nankar Simardah P.S. Riga, District Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Shyamal Pakash, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 11-09-2020 Heard learned senior counsel for the petitioners and
learned APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Fathua P.S. Case no. 878 of 2019 registered for the offence punishable under sections 302, 201, 120B and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the FIR, it is stated by the informant that in the year 2007 his elder brother, the deceased herein, entered into an inter caste marriage and ever since then



had been living in a rented premises in Patna. The family members of the girl had lodged a case of kidnapping on the informant. It is stated that ever since then the accused persons had been searching for the informant's brother and his wife to kill them. It is stated that on calling the wife of the deceased on telephone and finding her reaction not to be normal, it transpired that his brother had been missing and on search they discovered his dead body with gunshot injuries on his chest. It is stated that the wife of the informant's brother along with her three brothers and the other accused persons, had killed his brother and had thrown his body.

It is submitted by learned senior counsel for the petitioners that the allegations as levelled in the FIR are false and concocted. From the contents of the FIR itself it would transpire that the marriage had taken place in the year 2007 and the occurrence alleged, has taken place 12 years later in December 2019. It is submitted that except for raising a suspicion against the accused persons, there is no material either in the FIR nor has any material come in course of investigation to connect the petitioners with the alleged crime. There is no eye witness to the occurrence and the petitioners have no criminal antecedent.



The application for bail is opposed by learned APP for the State who submits that not only the petitioners are named in the FIR but a reasonable suspicion has been raised against them to have committed the offence.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the material that has transpired in course of investigation, there being no eye witness to the occurrence and the petitioners not having any criminal antecedent, the Court is inclined to enlarge the petitioners on anticipatory bail. The petitioners above named are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with Fathua P.S. Case no. 878 of 2019 they will be enlarged on anticipatory bail on each of them furnishing bail bond of Rs. 10,000/ (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Patna City, Patna subject to the conditions as laid down under section 438(2) of the Cr.P.C.

Prakash/-

(Partha Sarthy, J)

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