

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77113 of 2019

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

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RAUSHAN JHA, Male, aged about 52 years, Son of Beda Jha @ Bedanand Jha, Resident of Village - Sugiya Katsari, P.S.- Town, Distt - Sheohar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 81641 of 2019

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

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SATISH KUMAR JHA @ SATISH JHA, Male, aged about 52 years, S/o Jainath Jha @ Jagat Narayan Jha, R/o Village- Sugiya Katsari, P.S.- Town, District- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 77113 of 2019)

For the Petitioner/s : Mr.Baidya Nath Thakur

For the Opposite Party/s : Mr.Shailendra Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 81641 of 2019)

For the Petitioner/s : Mr.Baidya Nath Thakur

For the Opposite Party/s : Mr.Rajeev Nayan,App

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 16-03-2020 Heard Mr. Ramakant Sharma, the learned Senior counsel appearing on behalf of petitioners, namely, Raushan Jha and Satish Kumar Jha @ Satish Jha in both the cases and the learned Additional Public Prosecutor.

The petitioners seek bail in Sheohar P.S. Case No.124 of 2019, registered under Sections 307, 120-B and 302/34 of the



of the Indian Penal Code and Section 27 of the Arms Act.

The informant Phuldeo Sahani, the brother of the deceased and the injured, alleged that while he was returning to his house and when he reached near the house of Lalan Jha, Jagi Jha, Raushan Jha, the petitioner, Satish Jha, the petitioner, Arvind Jha, Sonu Jha and Vyas Jha, residents of village Sugiya Katsari surrounded him and the informant after seeing them started fleeing away. The informant saw that Jagi Jha, Raushan Jha and Satish Jha were indiscriminately firing from their pistols. Jagi Jha and Raushan Jha made indiscriminate firing on Indradeo Sahani and Satish Jha made firing on Sone Lal Sahni. Indradeo Sahani and Sonelal Sahani got firearm injuries and they were brought to S.K.M.C.H. for treatment where Indradeo Sahani succumbed to the injury.

Mr. Ramakant Sharma, the learned Senior counsel for the petitioners submits that the informant, of course, made allegation that Raushan Jha and Jagi Jha made firing on Indradeo Sahani who succumbed to the injuries but Satish Jha, petitioner of Cr. Misc. No.81641 of 2019 is alleged to have fired on Sonelal Sahani but Sonelal Sahani has made his statement under Section 164 Cr.P.C. (Annexure-2). Sonelal Sahani did not even name the petitioner as his assailant. Sonelal Sahani disclosed that Jagi Jha fired but all the accused persons surrounded him near the house of



Paras Jha. His younger brother had already received injuries and he was shot from behind. It is submitted that from bare perusal of the statement of Sonelal Sahani, it would appear that the informant is not an eye witness of the occurrence and Sonelal Sahani, the injured, did not even name the assailant of his brother, Indradeo Sahani. Sonelal Sahani also did not name his own assailant. He simply alleged that Jagi Jha made firing but did not disclose that the firing of Jagi Jha hit any body. It is further submitted that Sonelal Sahani disclosed that he got one firearm injury on his back which came out from his front side abdomen hence, the petitioners deserve bail.

Learned Additional Public Prosecutor however, opposed the prayer for bail and submitted that the informant has made very specific allegation that Jagi Jha and Raushan Jha fired which hit Indradeo Sahani and Satish Jha fired which hit on the back of Sonelal Sahani. Sonelal Sahani was fleeing away and firing was made from his backside. He was not in a position to see his assailant and the assailant of his brother. The informant and other witnesses have categorically stated that the petitioners are the assailants of the deceased and the injured. The petitioners have also got criminal antecedents.

Perused the FIR and the case diary. The informant who claims himself to be an eye witness of the occurrence made



specific allegation that six accused persons including Raushan Jha, Satish Jha and Jagi Jha chased them. Jagi Jha, Raushan Jha and Satish Jha made firing. The firing made by Jagi Jha and Raushan Jha hit Indradeo Sahani and the firing made by Satish Jha hit Sonelal Sahani, another brother of the informant. During the course of investigation, the witnesses also reiterated the facts. From perusal of injury report of Sonelal Sahani, it appears that Sonelal Sahani got two lacerated wounds caused by firearm injuries one appears to be wound of entry and another wound of exit. Of course Sonelal Sahani did not name the petitioner, Satish Jha as his assailant but in his statement under Section 164 Cr.P.C., he disclosed that somebody fired at him from behind but the informant very categorically stated that Satish Jha fired which hit Sonelal Sahani on his back. Indradeo Sahani also got many firearm injuries which are attributed to Raushan Jha, the petitioner of Cr. Misc. No.77113 of 2019.

Taking into consideration the facts that the petitioner Raushan Jha is the assailant of the deceased Indradeo Sahani and the petitioner Satish Jha is the assailant of injured Sonelal Sahani and the injury on the back and abdomen of the injured is grievous in nature caused by firearm, I am not inclined to enlarge the petitioners on bail.

Accordingly, the prayer for bail of the petitioners is



rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within one year from the date of receipt of this order.

The Superintendent of Police, Sheohar is directed to ensure the attendance of the witnesses during the course of trial.

If the trial is not concluded within one year, petitioner, Satish Jha, who is the assailant of the injured, Sonelal Sahani, may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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