

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87471 of 2019

Arising Out of PS. Case No.-161 Year-2017 Thana- SHASTRINAGAR District- Patna

Ranjit Kumar @ Ranjit Jha @ Tunna Jha @ Dablu Jha S/o Raj Kishore Jha @ Sukan Jha Resident of Village- Salempur, P.S.- Musari Gharari, Distt-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 22-06-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is languishing in custody since 18.03.2019 in a case registered for the offences punishable under Sections 302, 324, 120B of the Indian Penal Code and Section 27 of the Arms Act, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the written report of Rani Jha submitted to the Station House Officer, Shashtrinagar Police Station, is to the effect that the informant has a departmental store at Sheikhpura in Brahmsthali lane and on



24.03.2017, the younger son of the informant, Sumit Kumar Jha was at the said shop when at 8.30 P.M., some miscreants came and shot at the son of the informant, as a result, the informant's son died. The informant raised suspicion against Shivendra Kumar Jha @ Tunna Jha, Sajjan Jha, Rakesh Jha, Dablu Jha, the petitioner, Pappu Choudhary and Manoranjan Giri as earlier also they had given life threat to the son of the informant.

It is submitted by learned counsel for the petitioner that admittedly, the informant is not the eye witness to the occurrence, the informant has raised only suspicion against the petitioner and other co-accused in the FIR. During investigation, the complicity of the petitioner was surfaced and investigation has already been concluded. Though the petitioner is accused in five other cases but he is on bail in all those cases. Moreover, co-accused Rakesh Kumar Jha @ Rakesh Jha and Manoranjan Giri have been granted anticipatory bail by Co-ordinate bench of this Court vide Cr. Misc. Nos. 48028 of 2017 and 39222 of 2017 vide order dated 09.11.2017 and 02.02.2018 respectively, as contained in Annexure -2 series.

Learned APP for the State submits that the suspicion has been raised by the informant against the petitioner

It appears from perusal of the case diary which was



called for vide order dated 16.01.2020 and transmitted to this Court on 25.02.2020 by S.S.P., Patna but the case diary has been recorded till 12.06.2019 which reflects the casual manner in which, the order of this Court has been complied with by the investigating agency.

Considering the fact that the petitioner has been made accused only on the basis of suspicion and the case diary also suggest the same and no direct evidence has been collected during investigation to suggest the complicity of the petitioner in the present case, coupled with the fact that investigation has already been concluded, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Sub Judge-IV, Patna in connection with Shastrinagar P.S. Case No. 161 of 2017.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.



The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Sub Judge-IV, Patna in connection with Shastrinagar P.S. Case No. 161 of 2017.

The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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