

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 15093 of 2021
Arising Out of PS. Case No.-216 Year-2020 Thana- SARAI RANJAN
District- Samastipur

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GAURAV KUMAR @ GORAB JHA @ MUNMUN SON OF RAJEEV JHA
@ BHATU JHA Resident of Village- Bhojpur, P.S.- Sarairanjan, District-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Kumar Praveen, Advocate

For the Opposite Party/s : Mr Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER

4 **03-06-2021** This case has been taken up for consideration today
through Video Conferencing.

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

The petitioner seeks bail in Sarairanjan Police Station (for
brevity, *PS*) Case No 216 of 2020 instituted for the offence
punishable under Sections 302, 120B of Indian Penal Code and
Section 27 of Arms Act.

Allegation is that co-accused Golu Kumar @ Aditya Raj
has fired two shots on the chest of informant's father-in-law.
Co-accused Bhatu Jha has also fired on his temporal region on
exhortation by co-accused Abhishek Kumar Jha. Father-in-law
of informant has succumbed to the injuries. In the later part of
the First Information Report (for brevity, *FIR*) several other



accused persons, including the petitioner, are said to be waiting outside the house and have fled away on their motorcycle.

Petitioner's counsel submitted that he is son of co-accused Rajeev Jha @ Bhatu Jha against whom there is allegation of firing upon the deceased. The occurrence is of 27.12.2020 at about 7 pm. FIR, however, has been lodged on 28.12.2020 at 3 pm. The informant has implicated all the family members of the petitioner. Petitioner is a young person aged about 19 years, having no criminal antecedent and has been implicated on extraneous considerations. The deceased and his step brother Abhishek Kumar Jha were having disputes regarding share in property and also share in post retirement benefits of their father late Ram Prakash Jha. The petitioner is also stated to be suffering with nerve disorder and very much confined to bed. He, in the circumstance, has been arrested from his home on 29.12.2020. Several prescriptions in support of the nerve disorder disease has been placed on record by way of supplementary affidavit.

Learned APP for the State opposed the prayer for bail. He has submitted that the petitioner was standing outside and he has fled away with the appellants.

Considering the rival submissions, prayer for bail is



allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate III, Samastipur in connection with Sarairanjan PS Case No 216 of 2020 (GR No 3079 of 2020) subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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