

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39737 of 2020

Arising Out of PS. Case No.-273 Year-2019 Thana- AURAI District- Muzaffarpur

DIWAKAR JHA @ DIWAKAR KUMAR JHA Son of Umesh Chandra Jha
Resident of Village - Sundarkhauli, P.S. - Aurai, District – Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bela Singh, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-02-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of normal functioning of the court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 341, 323, 447, 448, 307, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case is that petitioner along with Ram Pravin Rai @ Kanhaiya, Ranjit Sah and Ankit Kumar came at



the house of the informant and started indiscriminate firing. It is alleged that there is an old enmity and due to which they want to kill him and also alleged that earlier also he has lodged a case for robbing of motorcycle on the point of weapon and they are accused in many cases.

Learned counsel for the petitioner submits that petitioner is innocent, committed no offence and has been falsely implicated in this case due to land dispute. He submits that there is general and omnibus allegation of firing upon the petitioner and no specific allegation of overt act is alleged against this petitioner. He submits that neither informant nor his family members have received any injury in any manner. He submits that similarly situated co-accused has been granted bail by this Court in Cr. Misc. No. 14219 of 2020 on 08.09.2020 and other co-accused have also been granted bail. He further submits that petitioner is languishing in judicial custody since 07.09.2020.

Considering the facts and circumstance of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-13th, Muzaffarpur in



connection with Aurai Police Station Case No. 273 of 2019,
G.R. No. 6004 of 2019.

(Anjani Kumar Sharan, J)

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