

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6933 of 2021

Arising Out of PS. Case No.-270 Year-2015 Thana- BAHERI District- Darbhanga

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KARAN JHA SON OF RAM BABU JHA R/O VILLAGE- BHENTUA, P.S.-
NANPUR, DISTRICT- SITAMARHI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice /Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences /offices.)

Appearance :

For the Petitioner/s : Ms.Shama Sinha, Adv

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

7 26-07-2021 Heard learned counsel for the parties.

Petitioner seeks bail in G.R. No. 4244 of 2015 arising out of Sessions Trial No. 146B of 2016 arising out of Baheri P.S. Case No. 270 of 2015 for offences punishable under Sections 302, 386, 387, 120B/34 of the Indian Penal Code.

The prosecution story, in brief, is that on 26.12.2015, at about 1:00 p.m., the uncle of the informant and Brajesh Kumar, both engineers of C.N.C. company were performing the work of road at Shiv Ram Chowk, P.S. Baheri, District, Darbhanga when four unknown persons came and fired indiscriminately on both and fled away by motorcycle. Then the staff of the C.N.C. company carried the injured to D.M.C.H. but they died in their

way to hospital.

The accused petitioner was declared juvenile and was sent to Juvenile Justice Board but was not found juvenile.

The name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused Rishi Kumar Jha, who in his confessional statement, has stated that Mukesh Pathak, Abhishek Jha, Vikash @ Kalia and Nikesh Dubey were riding on two motorcycles and these four made indiscriminate firing, as a result of which, both died. He further stated that on Bolero vehicle, he himself with Karan Jha (petitioner), Subodh Dubey, Pintu Tiwari and two others were present with arms so that any help, if required, could be provided and after getting the information of killing, they returned back.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 10.04.2016. There is no allegation of tampering of witnesses alleged against the petitioner. It is further submitted that subsequent to this case, petitioner has been implicated in several other criminal cases, as detailed in paragraph no.3.

Learned counsel for the petitioner submits that he is innocent and has been falsely implicated in this case on mere suspicion. Petitioner is not named in FIR. The name of the

petitioner has surfaced in this case on the basis of confessional statement of co-accused Rishi Kumar Jha, who was already granted bail by this Hon'ble Court vide order dated 21.09.2016 passed in Criminal Miscellaneous No. 44993 of 2016. It is further submitted that co-accused Rishi Kumar Jha has already been acquitted in this case. Similarly situated co-accused persons have been granted bail by co-ordinate benches of this Court vide orders dated 29.06.2016 in Criminal Miscellaneous No. 19244 of 2016, 06.09.2016 in Criminal Miscellaneous No. 29644 of 2016, 22.03.2017 in Criminal Miscellaneous No. 12938 of 2017 and 07.09.2017 in Criminal Miscellaneous No. 26403 of 2017. Petitioner is in custody since 06.08.2016.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **G.R. No. 4244 of 2015 arising out of Sessions Trial No. 146B of 2016 arising out of Baheri P.S. Case No. 270 of 2015**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial

and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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