

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5292 of 2022

Arising Out of PS. Case No.-436 Year-2021 Thana- KATIHAR NAGAR District- Katihar

BANKE JHA @ RAJESH KUMAR JHA SON OF RAM NARAYAN JHA
R/O - SAIDPUR, P.S.- GOPALPUR, DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Senior Advocate
		Mr. Sanjeev Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Katihar
Sahayak P.S. Case No. 436 of 2021 registered for the offence
under Sections 302 and 34 of the Indian Penal Code and Section
27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 31.08.2021.

The allegation against the petitioner is to commit
murder of husband of the informant, by causing fire-arms injury
along with other co-accused persons for long standing land



disputes.

Learned senior counsel appearing on behalf of the petitioner submitted that informant is not the eye-witness of the occurrence and admittedly, the occurrence is founded over the land disputes. It is also submitted that the circumstances as raised during investigation in the background of land disputes is also not of such nature, which may connect this petitioner, *prima-facie*, with present set of occurrence. It is further pointed out that para 140 of the case diary, where, statement of daughter of deceased is recorded, suggesting that she is also not the eye-witness of the occurrence, rather she found the petitioner along with other-co-accused persons to run away from the place of occurrence. It is also submitted that petitioner is a man of clean antecedent, moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that informant is not the eye-witness of the occurrence, as per FIR.

Considering the facts and circumstances as mentioned above, as informant is not the eye-witness of the occurrence, where, nothing incriminating surfaced/recovered during course



of investigation to connect this petitioner, *prima-facie*, with the present set of occurrence coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Katihar Sahayak P.S. Case No. 436 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Katihar/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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