

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7292 of 2022

Arising Out of PS. Case No.-135 Year-2021 Thana- RAJNAGAR District- Madhubani

Bhabesh Kumar Jha @ Bhabesh Jha Son of Raman Ji Jha Resident of Village
- Amada, P.S.- Rajnagar, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 7450 of 2022

Arising Out of PS. Case No.-135 Year-2021 Thana- RAJNAGAR District- Madhubani

Awdhesh Jha @ Awdhesh Kumar Jha Son Of Raman Ji Jha Resident Of
Village- Amada, Police Station- Rajnagar, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 7292 of 2022)

For the Petitioner/s : Mr. Ravindra Nath Dubey, Advocate

For the State : Mr. Shyam Kumar Singh, APP

For the Informant : Mr. Subhash Kumar Jha, Advocate

(In CRIMINAL MISCELLANEOUS No. 7450 of 2022)

For the Petitioner/s : Mr. Ravindra Nath Dubey, Advocate

For the State : Mr. Anuj Kumar Shrivastava, APP

For the Informant : Mr. Subhash Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 17-10-2022 Heard learned counsel appearing on behalf of the

petitioner, learned APP appearing on behalf of the State and

learned counsel for the informant.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Rajnagar

P.S. Case No. 135 of 2021 registered for the offence under



Sections 302, 201 and 34 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and is in custody since 29.04.2021.

The allegation against the petitioner is to commit murder of son of the informant, alongwith other co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that informant is not the eye witness of the occurrence, where entire allegation is raised on the basis of suspicion, for the reason that the deceased is alleged to have love affair with the sister of the petitioner. It is submitted that the implication is also based upon self confession of the petitioner, where in furtherance, a '*gamcha*' was recovered from the back of the house of this petitioner, which is an open place and, as such, cannot be connected, in any manner, with the present occurrence, in want of any scientific evidence. It is further submitted that Call Detail Report (CDR) is of no bearing over the merit of this case. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.



Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, fairly conceded the fact that informant is not the eye witness of the occurrence, where recovery of alleged '*gamcha*' was made from back of the house of the petitioner, on the basis of confessional statement of the petitioner.

In view of the facts and circumstances, as mentioned above, as informant is not the eye witness of the occurrence, where alleged recovery of '*gamcha*' was made from open place coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Rajnagar P.S. Case No. 135 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 Chief Judicial Magistrate, Madhubani/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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