

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9690 of 2022

Arising Out of PS. Case No.-680 Year-2021 Thana- KHAJANCHI HAT District- Purnia

Kunal Jha @ Anshuman Vats Son Of Kalanand Jha Resident Of Village-
Jaynagar Ward No. 05, Police Station- Bhargama, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.P.K. Sahi, Sr. Adv.

Mr.Dilip Kumar, Adv.

For the Opposite Party/s : Mr.Yogendra Kumar Singh

For the Informant : Mr. Sumit Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-08-2022 Heard learned counsel for the petitioner and learned
counsel for the informant as well as for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 302,
120(B)/34 of the Indian Penal Code and Section 27 of the Arms
Act.

The brother of the informant is said to have been
killed by inflicting fire arm injury on his head, neck and
abdomen by the petitioner and his companions.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case merely on the basis of suspicion. He further submits that there is general and omnibus allegation against the petitioner and no specific allegation of assault or firing is attributed to the petitioner. He further submits that it appears from the FIR that the informant is not the eye witness of the alleged occurrence. He further submits that the deceased is said to be a veteran criminal having criminal history of more than 11 cases and on account of that fact there might be his enemies who killed him but the petitioner has no role to play in the entire case. He further submits that the petitioner has been made accused in this case only on the ground that he was having some conversation with one Rahul Sinha who is one of the named co-accused in this case and their tower location of the mobile network is found closure to the place of occurrence on the alleged date of occurrence. He further submits that save and accept the conversation of the petitioner with the co-accused Rahul Sinha and the CDR location of the petitioner no cogent material has surfaced in this case against the petitioner. The petitioner is in custody since 05.09.2021.

The learned counsel for the informant as well as State has vehemently opposed the prayer for bail of the petitioner and submits that the paragraph 236 of the case diary clearly suggests



the active involvement of the petitioner in the alleged occurrence. He further submits that the petitioner is instrumental in commission of murder of the brother of the informant.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Khajanchi Hat Madhubani P.S. Case No. 680 of 2021, subject to the following conditions:-

1. 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 on their absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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