

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10217 of 2022**

Arising Out of PS. Case No.-149 Year-2020 Thana- PURNAHYA District- Sheohar

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KRISHNA KUMAR JHA @ BABU SAHEB JHA @ BABU SAHEB SON
OF MANOJ JHA R/O VILLAGE- MANIK CHOWK, P.S.-
RUNNISAIDPUR, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Rajendra Nath Jha

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

2 06-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the

offence punishable under sections 25(I-b)a, 26, 35 of the Arms Act.

The main allegation is that the petitioner and co-accused

persons attempted to kill one Sri Narain Singh who was a candidate
of Shivhar Janta Dal Rastrawadi and after occurrence co-accused
Gauri Shankar Maharaj and Niraj Pathak were apprehended who
named the present petitioner being involved in the alleged
occurrence.

The main submissions advanced by the learned counsel

for the petitioner are that petitioner was not arrested at the spot and



his name was disclosed by co-accused persons and he has been languishing in jail since 01.12.2020 and one co-accused Niraj Pathak, who was arrested at the spot, has been granted bail by a coordinate bench of this court vide order passed in Cr. Misc. no. 15053 of 2022 and case of this petitioner stands on better footing as he was not arrested at the spot. Further submission is that against petitioner there is criminal antecedent of two cases in which he is on bail and charge sheet has been submitted in connection with the petitioner.

Learned APP opposes the prayer for bail.

In view of above submissions and considering petitioner's case on similar footing with co-accused Niraj Pathak who has been granted regular bail by a bench of this court vide order passed in the above mentioned miscellaneous case and petitioner implicating in the alleged crime came into light in the statement of said co-accused and other co-accused who were arrested at the spot, petitioner also entitles to the same privilege which goes to co-accused Niraj Pathak. Accordingly, his prayer stands allowed.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sheohar in Purnahiya P.S Case No. 149 of 2020 on 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 below



and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

s.hassan/-

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