

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25024 of 2022

Arising Out of PS. Case No.-228 Year-2021 Thana- PIPRAHI District- Sheohar

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DHEERAJ JHA @ VIKASH KUMAR JHA SON OF ARUN JHA R/O
VILLAGE- AMBA OJHA TOLA, P.S.- PIPRAHI, DISTRICT- SHEOHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Udbhav, Advocate

For the Opposite Party/s : Mr.Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual court proceedings.

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

The petitioner seeks bail in connection with Piprahi
P.S. Case No. 228 of 2021 registered for the offence under
Sections 302, 120(B) and 34 of the Indian Penal Code and
Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 09.03.2022.

The allegation against the petitioner is to involve in
the murder of brother of the informant along with other co-
accused persons for previous enmities and disputes alleges over



local differences.

Learned counsel appearing on behalf of the petitioner submitted that informant is not the eye-witness of the occurrence, where implication is based upon suspicion. It is submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Bhagirath Paswan, in collusion with informant to create a pressure for title suit pending between the parties. It is further submitted that save and except some conversations through what's up call with petitioner and one of the unnamed co-accused, namely, Bhagirath Paswan, the present petitioner has falsely been implicated in this case. It is also submitted that petitioner is a man of clean antecedent, moreover, investigation in this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant Shri Pushkar Bhardwaj, while opposing the prayer of bail, fairly conceded that petitioner is not named in FIR.

Considering the facts and circumstances as mentioned above, as informant is not the eye-witness of the occurrence, where nothing incriminating surfaced during course of investigation to connect petitioner, *prima facie*, with present



occurrence of murder, in the background of previous long-standing land disputes 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 Piprahi P.S. Case No. 228 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 Judicial Magistrate 1st Class, Sheohar/concerned court, subject to the following conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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