

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24679 of 2022

Arising Out of PS. Case No.-359 Year-2021 Thana- BAKHTIARPUR District- Saharsa

Ajit Kumar @ Ajit Kumar Jha @ Ajit Jha @ Bholan Jha, S/o Mukhtar Jha,
Resident of Village- Ekpardha, Ward No.08, P.S.- Bakhtiarapur, District-
Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Rashmi Jha, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP
For the Informant	:	Mr. Dinesh Maharaj, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-08-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, within a period of
four weeks from today.

Heard Mrs. Rashmi Jha, learned counsel appearing on
behalf of the petitioner, Mr. Dinesh Maharaj, learned counsel for
the informant and learned Additional Public Prosecutor for the
State.

The petitioner seeks regular bail, who is in custody in
connection with Bakhtiarapur P. S. Case No. 359 of 2021
registered for the offences punishable under Sections 341, 323,
307, 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

As per the prosecution case, it is alleged that on



28.11.2021, while the younger brother of the informant was returning to his house, in the meantime, all the F.I.R. named accused persons and two unknown persons armed with fire arms and Lathi and Danda started indiscriminate firing upon the brother of the informant, due to which he sustained serious injuries, thereafter co-accused Chiku Thakur, Sonu Thakur and Mani Thakur assaulted him by Lathi and hockey sticks. It is further alleged that the petitioner on account of his defeat in the election has provoked the above named villagers to kill the informant.

Learned counsel appearing on behalf of the petitioner submits that from the tenor of the F.I.R., it is evident that the informant is not an eye-witness to the alleged occurrence, save and except the allegation that the entire occurrence has taken place at the instance of the petitioner, there is no other material which suggest the complicity of the petitioner. It is further submitted that the learned court below while rejecting the bail application of the petitioner has taken note of the fact that during the course of investigation the witnesses have stated that the petitioner was not even present at the place of occurrence. It is next submitted that the petitioner having a fair antecedent himself surrendered before the Court below on 25.02.2022 and



since then he is in custody.

The learned counsel for the informant vehemently opposes the bail application and submits that the petitioner, who was a candidate of Mukhiya and the entire occurrence has committed at his behest and during the course of investigation some materials have come, which suggests the complicity of the petitioner that he was the instrumental in the death of the brother of the informant,

Learned counsel for the State also opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the fact that the informant is not an eye-witness to the alleged occurrence and save and except the allegation that the entire incidence has taken place at the behest of the petitioner, there is no other material and the petitioner is in custody since 25.02.2022, having fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Bakhtiarpur P. S. Case No. 359 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner



with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

