

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27805 of 2022

Arising Out of PS. Case No.-767 Year-2018 Thana- NATHNAGAR District- Bhagalpur

RAJU JHA @ ABHISHEK JHA @ ABHISHEK KUMAR JHA Son of Sudhir
Jha Resident of Village - Hajipur, P.S. - Sajour, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate.

For the Opposite Party/s : Mr. M.K.Nirala, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-09-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Ranjan Kumar Jha, learned counsel for the petitioner as well as Mr. M.K.Nirala, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Nath Nagar (Madhusudanpur) P. S. Case No. 767 of 2018 registered for the offences punishable under Sections 147, 148, 149 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, it is alleged that all the F.I.R. named accused persons came to the house of the



informant and took away his elder brother Lakho Das for taking tea. At about 05:40 O'clock, the informant received an information that someone has killed his brother and his body is lying in a field near by-pass Manoharpur. The informant suspected the hands of all the F.I.R. named accused persons in the murder of his elder brother.

Learned counsel appearing on behalf of the petitioner submitted that admittedly the informant is not an eye-witness to the alleged occurrence and all of them were known to each other and as such, there was no motive attributed against the petitioner. It is further submitted that co-accused Kapil Yadav @ Kapit Yadav @ Kapil Kumar against whom there was identical allegation, has been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 9674 of 2020 vide order dated 17.03.2021. It is last submitted that the petitioner is ready to give undertaking that he will remain present on each and every date of trial till its conclusion.

On the other hand, learned APP for the State opposes the bail application and submits that apart from the fact that the petitioner is named in one another case, he remained absconded for three years due to which the trial has hampered.

Regard being had to the nature of allegation as also



the materials available on record coupled with the period of incarceration since 09.02.2022, 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 Additional Chief Judicial Magistrate- I, Bhagalpur in connection with Nath Nagar (Madhusudanpur) P. S. Case No. 767 of 2018, 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.
- (v) 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 cancelling 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.

(Harish Kumar, J)

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