

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40290 of 2021**

Arising Out of PS. Case No.-156 Year-2019 Thana- SUPAUL District- Supaul

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JYOTISH KUMAR JHA @ JYOTISH KUMAR Son of Jivan Kishor Jha
Resident of Village - Sukhpur (Ward No. -10), P.S. - Supaul, Distt. - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha, Adv.

For the Opposite Party/s : Mr. Sucheta Yadav, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 06-04-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 302, 34 of the Indian Penal Code.

The sister of the informant is said to have been
assassinated by the F.I.R. named accused persons.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that, in fact, there is no eye witness to the
alleged occurrence. He further submits that there is general
and omnibus allegation against the petitioner and no specific
allegation of assault is attributed to him. He further submits



that the trial of the case is not likely to be concluded in near future as the report received from court below reveals that the charges have been framed on 16.10.2020 but trial of the case is still pending for the prosecution evidence as no witnesses have been examined till date. He further submits that the petitioner is rotting in judicial custody since 19.12.2019 i.e. more than two years. Hence, the petitioner may be enlarged on bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, 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 learned Court below where the case is pending in connection with S.T. No. 115 of 2020 arising out of Supaul P.S. Case No. 156 of 2019 with 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled



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.

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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