

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41902 of 2021

Arising Out of PS. Case No.-133 Year-2019 Thana- SONBERSA District- Saharsa

JHALO MEHTA @ JHALO SINGH S/O SUMAN MEHTA R/o village-
Barahi, Tola- Banniwasa, P.S.- Sonbarsa Raj (Kash Nagar), District- Saharsa

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ram Sumiran Rai, Advocate.
For the Informant	:	Mr. Kanchan Jha, Advocate.
For the Opposite Party/s	:	Mr.Ramchandra Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 07.03.2021,
seeks regular bail in connection with Sonbarsa Raj P.S. Case
No. 133 of 2019 for the offence punishable under Section
302/34 of the Indian Penal Code.

Although the petitioner is named in the F.I.R. with
allegation of making indiscriminate firing along with others but
in the F.I.R. the informant has admitted that while deceased was
being taken to hospital, the deceased disclosed that Bijo Yadav,



Manoj Yadav and Randhir Yadav had opened fire upon him and firing of Bijoy Yadav caused injury to him.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that there is general and omnibus allegation of commission of assault against the petitioner. There is no material to substantiate that the petitioner is going to tamper with the evidence or influence the witnesses. The petitioner has clean antecedent and is in custody since 07.03.2021. Similarly situated co-accused persons have been granted bail by different Benches of this Court vide orders dated 21.01.2020, 29.02.2020 and 10.06.2020 passed in Cr. Misc. Nos. 2012 of 2020, 12156 of 2020 and 13859 of 2020 respectively.

Learned counsel for the informant and learned A.P.P. for the State have opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned CJM,



Saharsa in connection with Sonbarsa Raj P.S. Case No. 133 of 2019, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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