

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45875 of 2021

Arising Out of PS. Case No.-67 Year-2020 Thana- JAMALPUR District- Munger

Gulab Jha, Son of Anirudh Jha, Resident of Village - Faridpur, P.S.- Jamalpur,
Dist.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Raj Kishor Prasad, Adv.
For the Opposite Party/s	:	Mr.Akhileshwar Dayal, APP
For the Informant	:	Mr. Manohar Prasad Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 09-03-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, Mr. Manohar Prasad Singh, learned counsel for the informant and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Jamalpur P.S. Case No.67 of 2020 registered for the offences punishable under Sections 302 and 120B/34 of the Indian Penal Code and Section 27 of the Arms Act. He is in custody since 27.08.2020. The petitioner has got one criminal antecedent.

Learned counsel for the petitioner submits that as per



the prosecution story the petitioner and the co-accused were assaulting the son of the informant together with 4-5 unknown persons. It is alleged that after assaulting the son of the informant and on protest raised by the informant the co-accused Rambali Mandal @ Munna Mandal shot dead the son of the informant and after threatening the informant they fled away. The informant disclosed in the FIR that about two years back also firing was made upon his son (since deceased in the present occurrence) in which he could somehow be saved and a case in this regard is going on in the court. He described the accused persons as dreaded criminals against whom nobody in the society comes out openly.

Learned counsel for the petitioner submits that the specific allegation of firing is against co-accused Rambali Mandal @ Munna Mandal. So far as this petitioner is concerned, there is only a general and omnibus kind of allegation against him.

On the other hand, Mr. Manohar Prasad Singh, learned counsel for the informant submits that this petitioner happens to be an accused in the earlier case lodged by the son of the informant. In the said case the trial had begun, the accused persons including the petitioner were threatening the informant



side who were deposing in the Session Trial No.130 of 2018 in which the deceased was himself the informant.

It is further submitted that the postmortem report shows as many as six injuries and some of them are caused by sharp cut weapon and one fire-arm injury. This petitioner is said to have caused sharp cut injury.

It is then pointed out that recently in Cr.Appeal No.95 of 2022 arising out of the order dated 17.08.2021 passed in Cr.Misc.No.13149 of 2021, the Hon'ble Supreme Court has, while interfering with the order of the Hon'ble Patna High Court, reiterated that in such cases the gravity of the offence alleged and fact that the member of the same family who was a witness in the case has been killed would be relevant. He has further submitted that the prayer for bail of the similarly situated accused Santosh Jha and Rajesh Jha has been rejected by this Court in Cr.Misc.No.45685 of 2021 disposed of on 28.02.2022.

Having regard to the submissions noticed above, the seriousness of the offence in which the son of the informant who was himself an informant in the earlier case has been killed when the trial of the said case was going on and this petitioner happens to be an accused in the said case, his active participation has been alleged and further the postmortem report



shows that as many as six sharp cut injuries apart from one fire-arm injury, the Court is of the considered opinion that the petitioner does not deserve privilege of bail. Prayer for bail is, thus, refused.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

