

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38805 of 2022

Arising Out of PS. Case No.-222 Year-2020 Thana- GHANSHYAMPUR District- Darbhanga

NAND KUMAR JHA Son of Prem Kumar Jha Resident of Village, Post and
Police Station - Ghanshyampur, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Ghanshyampur P.S. Case No. 222 of 2020 registered for the
offence under Sections 328, 302 and 34 of the Indian Penal
Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 20.03.2022.

The allegation against the petitioner is to commit
murder of brother of the informant after administering poison in
liquor of the brother of the informant along with other co-
accused persons.



Learned counsel appearing on behalf of the petitioner submitted that admittedly, informant is not the eye-witness of the occurrence, where, entire allegation is based upon suspicion. It is also submitted that from bare perusal of FIR, it appears that specific allegation is against co-accused, namely, Vijay Kumar Mishra, in the background of local political rivalry. It is also submitted that similarly situated co-accused person has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 19063 of 2021 dated 15.11.2020. It is also submitted that nothing incriminating surfaced during course of investigation, which may connect this petitioner with the present set of occurrence and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that specific allegation appears to be against co-accused, namely, Vijay Kumar Mishra, as per FIR.

Considering the facts and circumstances as mentioned above, as allegation against this petitioner is very much general and omnibus rather same is specific against co-accused, namely, Vijay Kumar Mishra, where informant is not the eye-witness of



the occurrence coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Ghanshyampur P.S. Case No. 222 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Biraul, Darbhanga/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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