

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41724 of 2022

Arising Out of PS. Case No.-145 Year-2020 Thana- SARSI District- Purnia

=====

Keshav Kumar Jha, S/o Sri Lalit Jha Resident of- Marwari Dharamshala, P.S.-
Naugachia, District- Bhagalpur, Permanent Address at Bhagwa, P.S.- Simri,
Bkhityarpur, Distt.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Yadav, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-10-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Ashok Kumar Yadav, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Sarsi P.S. Case No. 145 of 2020 registered for
the offences punishable under Sections 147, 148, 149, 323, 302,
120(B) of the Indian Penal Code and Section 27 of the Arms
Act.

As per the prosecution case, it is alleged that on
07.11.2020, while the informant along with his elder brother,
namely, Beni Singh was going towards the polling centre, Lacy



Singh warned them since they were canvassing for *Lalturn* symbol and also threatened to kill them. It is further alleged that at around 02:00 PM, four to five armed criminals came on motorcycle and they indiscriminately started firing whereupon the other persons including this informant started fleeing away in order to save their lives. It is further alleged that while fleeing, Beni Singh fell down, thereafter, the accused persons assaulted him with *lathi* and *danda* and then fired upon him. The informant identified the criminals and took the name as Punkesh Singh, Shyamal Singh, Kangna Singh, Mithu Singh and Marconi Singh @ Fauji.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is not named in the FIR, however, during the course of investigation the petitioner was apprehended on the basis of the fact that his motorcycle was found near the place of occurrence and thereafter his self confession was recorded before the police. He further submits that the co-accused person named in the FIR has already been allowed the privilege of bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 59173 of 2021 vide order dated 18.05.2022, after taking into consideration the fact that general and ominous allegation has been leveled against all the accused



persons and the injuries found in the post mortem report does not corroborate the prosecution case. It is also submitted that in fact the petitioner has been remanded in this case from K. Hat P.S. Case No. 19 of 2022 and thereafter he has been remanded in other cases also, as mentioned in paragraph no 3 of the bail application. He next submits that the petitioner has never been identified by any of the witnesses nor any incriminating material has been recovered from his person or possession and in fact the petitioner is a priest in local temple and earns his livelihood by worshipping the God but only on account of the fact that the motorcycle was found at the place of occurrence his name has been implicated on suspicion.

On the other hand, learned APP for the State opposes the bail application and submits that the materials available on record suggests the complicity of the petitioner as his motorcycle was found at the place of occurrence, which is said to have been used by the FIR named accused persons, causing the death of Beni Singh.

Regard being had to the submissions made on behalf of the parties and considering the fact that the materials available on record as also the fact that the FIR named accused persons has been allowed the privilege of bail by the learned co-



ordinate Bench of this Court and the petitioner is neither named in the FIR nor any incriminating material has been recovered from his person or possession and his name has transpired on self confession, let the petitioner, named above, 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 Chief Judicial Magistrate, Purnea in connection with Sarsi P.S. Case No. 145 of 2020 subject to the condition that one of the bailors will be the local residents/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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

shivank/-

U		T	
---	--	---	--

