

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43915 of 2022

Arising Out of PS. Case No.-46 Year-2021 Thana- BARGAINIA District- Sitamarhi

Himanshu Jha son of late hira jha resident of village sugaon, p.s. - Sugauli,
District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-11-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual court proceedings.

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

The petitioner seeks bail in connection with Bairgania
P.S. Case No. 46 of 2021 registered for the offence under
Sections 302 and 34 of the Indian Penal Code and under Section
27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 11.06.2021.

The allegation against the petitioner is to commit
murder of the son of the informant, along with other co-accused
persons, due to previous enmities, by causing fire arm injuries.



Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the FIR and his name surfaced on the basis of confessional statement of co-accused, namely, Ajay Kumar Singh, and in furtherance thereof, no incriminating material recovered/surfaced which may connect petitioner, *prima facie*, with the present set of occurrence/murder. It is further submitted that said co-accused person, Ajay Kumar Singh, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 56170 of 2021 vide order dated 24.03.2022. It is further submitted that despite of the eye-witness of the occurrence, the petitioner was never asked to join TIP, so as to connect with present set of occurrence. It is further submitted that from the thrust of allegation as alleged through FIR, enmities with deceased appears with other co-accused persons, namely, Bamshankar Choudhary, Manoj Gupta and Hardev Naryan Prasad, who had threaten the deceased to face dire consequences, without naming petitioner. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes



the prayer of bail.

Considering the facts and circumstances as mentioned above, as nothing surfaced/recovered during the course of investigation to connect this petitioner, *prima facie*, with the present set of occurrence/murder 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 Bairgania P.S. Case No. 46 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi/concerned court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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