

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47526 of 2022

Arising Out of PS. Case No.-487 Year-2021 Thana- BIHPUR District- Bhagalpur

1. Bishwas Kumar Jha @ Bishwas Jha @ Sahav @ Saheb Jha Son of Late Maheshwar Jha @ Kashul Jha @ Late Karkul Jha Resident of Village - Bhramarpur, P.S.- Bihpur, District - Bhagalpur.
2. Gulshan Jha @ Abinash Jha Son of Sanjeev Kumar Jha Resident of Village - Bhramarpur, P.S.- Bihpur, District - Bhagalpur.
3. Shiva Jha @ Shiv Kumar Jha Son of Prem Kumar Jha Resident of Village - Bhramarpur, P.S.- Bihpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishor Singh, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-11-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed
within a period of four weeks.

Learned counsel for the petitioners submits that during
pendency of the petition, petitioner No. 3, namely, Shiva Jha @
Shiv Kumar Jha has been arrested and as such, this application has
become infructuous. Accordingly, learned counsel for the
petitioners seeks permission to withdraw this application in respect
to petitioner No. 3.

Permission is accorded.



Accordingly, this application in respect of petitioner No. 3 is dismissed as withdrawn.

The petitioners (except petitioner No. 3) are apprehending their arrest in a case registered for the offences punishable under Sections 188, 269 and 336 of the Indian Penal Code and 27 of the Arms Act.

According to the prosecution case, a video was made and circulated among the villagers where the supporters of the winning party were firing in the air on the eve of Panchayat result.

Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case only on the basis of suspicion. He further submits that without verifying the same from the forensic report, the present F.I.R. is instituted against the petitioners and there is no report of genuineness of the video in question. He further submits that the petitioners are falsely implicated in the present case due to political reason.

The learned counsel for the State has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days



from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Bihpur P.S. Case No. 487 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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