

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50833 of 2022

Arising Out of PS. Case No.-152 Year-2021 Thana- KISHUNPUR District- Supaul

HIRA KUMAR JHA @ HEERA JHA @ BANA KUMAR JHA @ BANA S/o
Subhash Jha R/o Village- Aguar, Ward No. 02, P.S.- Kishanpur, District-
Supaul.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Patla Kumari
Mr. Akhouri Vipin Bihari Shrivastava
For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 23-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner seeks bail in connection with Kishanpur
P.S. Case No. 152 of 2021 registered for the offences punishable
under Sections 302 of the Indian Penal Code and 27 of the
Arms Act.

As per prosecution case, there is accusation against
the petitioner to have committed murder of informant's son by
making gun shot injury.

Learned counsel for the petitioner submits that



petitioner is in custody since 20.08.2021 and bears criminal antecedent of one case in which he is on bail. He further submits that petitioner is quite innocent and has committed no offence. He further submits that from perusal of the FIR, the informant is eye witness of the alleged occurrence but from perusal of para-6 of the case diary, it is clear that informant is not eye witness of the occurrence and he was not present there. He further submits that no independent witness has supported the case of the prosecution.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner submitting that there is direct allegation of firing against the petitioner and the same is supported by the eye witness Sonu Kumar and is also very much consistent with the postmortem report of the deceased regarding cause of death.

Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner coupled with postmortem report as well as material available on record, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is hereby rejected.

However, the petitioner may renew prayer of bail after nine months from the date of receipt/production of copy of this



order to the court concerned, if there is no substantial progress
in the proceeding of trial within the stipulated period.

(Alok Kumar Pandey, J)

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