

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63307 of 2021

Arising Out of PS. Case No.-92 Year-2021 Thana- BIHRA District- Saharsa

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SANJAY JHA @ SANJIV JHA LATE LOTAN JHA RESIDENT OF
PANCHGACHHIYA, P.S.- BIHAR, DISTRICT - SAHARSA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Advocate
For the Opposite Party/s : APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 18-04-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 307 and other sections of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, the three accused persons on one motorcycle dashed their motorcycle with that of the informant. Thereafter, it is stated that the informant was taken to a nearby orchard where the accused Sanket Jha shot the informant with a pistol. It is further stated that on hearing the sound of firing, on the villagers running towards the place of occurrence the petitioner fired four rounds in the air and the accused persons escaped.

It is submitted by learned counsel for the petitioner



that the petitioner has been falsely implicated in the case. No such occurrence as alleged in the FIR has taken place. The manner of occurrence is other than what has been narrated in the FIR. Even accepting the allegations in the FIR for the sake of argument, the overt act alleged is solely against co-accused Sanket Jha and not the petitioner herein who is in custody since 24.6.2021. Charge sheet has been submitted in the case.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the overt act being solely against co-accused Sanket Jha and the petitioner having remained in custody for over 9 months, the Court directs the petitioner to be enlarged on bail in connection with Bihra P.S. Case no. 92 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 the learned Chief Judicial Magistrate, Saharsa.

(Partha Sarthy, J)

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