

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64680 of 2021

Arising Out of PS. Case No.-127 Year-2021 Thana- SUPPI District- Sitamarhi

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ABHILESH KUMAR @ GHANSHYAM @ GHANSHYAM JHA @
ABHILESH KUMAR JHA Son of Manoj Jha Resident of Village - Narha,
P.S.- Suppi, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Dwij Raj, Advocate Mr. Dr. Bidhu Ranjan, Advocate
For the Informant	:	Mr. Prince Kumar Mishra, Advocate
For the State	:	Ms. Anita Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 27-04-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the
offences punishable under Section 307 of the Indian Penal Code
read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 13.07.2021, is a person with clean
antecedent and charge-sheet has been submitted.

The informant alleges that Ghanshyam Jha
(petitioner) armed with sword and Bhola Kumar armed with
Dabiya along with two unknown co-accused came at the house



of the informant at 08:00 p.m. on 06.07.2021 and the unknown persons fired which missed the informant. It is further alleged that petitioner assaulted the informant by sword on the left side of his neck and Bhola Kumar attacked with Dabiya injuring the informant on his left shoulder. Thereafter, the informant was taken to the hospital for treatment.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that absolutely no reason for the occurrence has been stated. It is submitted that no occurrence takes place without any reason. There has to be a reason behind an occurrence but the FIR is completely silent. It is, thus, submitted that the informant of the present case molested the sister of Bhola Kumar for which Suppi P.S. Case No. 157 of 2021, dated 19.08.2021 was instituted by the sister of co-accused Bhola Kumar. Learned counsel further submits that the FIR by the sister of Bhola Kumar was instituted merely after more than a month of the occurrence but prior to that she had made all endeavours to get the FIR instituted but the police was not taking pain nor registered her FIR. Ultimately she had to represent before the superior officer in Patna and it was only after direction received from Patna, the Superintendent of Police, Sitamarhi directed the



concerned police station to institute the FIR and thereafter the FIR came to be instituted. Learned counsel submits that no doubt the petitioner could not have retaliated in the manner as it has been alleged in the FIR but then being friend of Bhola Kumar when he saw that his friend's sister was being molested, he along with Bhola Kumar had scuffled with the informant and in the scuffle, the occurrence took place. It is submitted that though there was no intention on the part of the petitioner to kill the deceased, as such, the assault was not repeated. It is further submitted that petitioner is a student and if he remains in jail for a long time his entire career would be jeopardized. It is also submitted that even presuming what is alleged is true without admitting for the purposes of bail then this is the first offence of the petitioner.

Learned counsel for the informant and learned A.P.P. for the State vehemently opposed the prayer for regular bail of the petitioner but the learned counsel for the informant is not able to meet the submission of the learned counsel for the petitioner that the FIR is completely silent with regard to the reasons for the occurrence.

At this stage, learned counsel for the petitioner submits that co-accused Vivek Kumar @ Bhola Kumar has been



granted bail by order dated 30.03.2022 in Cr. Misc. No. 61747 of 2021.

Considering the fact that the petitioner is in custody since 13.07.2021, is a person with clean antecedent, charge-sheet has been submitted and co-accused has been granted bail and taking into consideration the submissions made by the learned counsel for the petitioner, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Suppi P.S. Case No. 127 of 2021.

(Satyavrat Verma, J)

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