

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68065 of 2021**

Arising Out of PS. Case No.-767 Year-2021 Thana- KHAJANCHI HAT District- Purnia

Jyoti Prakash S/O Subhash Chandra Jha, R/o village- Kaushik Nagar, P.S.- K.
Hat, District- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate

Mr. Bidhu Ranjan, Advocate

Mr. Kumar Rajdeep, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

3 20-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with K. Hat (Madhubani) P.S. Case No. 767 of 2021 registered for the alleged offences under Sections 302, 201, 120B and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the son of the informant joined the petitioner and other co-accused persons in celebrating the birthday of the petitioner. Later on, the



informant received information that her son was shot dead. Finding the version of the petitioner and other co-accused persons fishy, the informant raised her suspicion that the petitioner and other co-accused persons killed her son under conspiracy.

Learned senior counsel appearing on behalf of the petitioner submits that it is apparent from the F.I.R. that there has been no quarrel with the petitioner and the son of the informant willingly went to the house of the petitioner and stayed there for night. There is no motive for the alleged occurrence for the petitioner. Learned senior counsel further submits that it has come during the investigation of the police that confessional statement of co-accused Shanu @ Sonu Kumar was recorded and he disclosed that some hot exchange of words took place between him and the deceased son of the informant and he fired upon the deceased in anger. This shows the petitioner was not involved in the alleged occurrence. Learned senior counsel further submits that though the recovery of the pistol and bullets has been shown from the house of this petitioner, the seized articles were not examined and it was not established that it was used in the commission of the alleged crime. Charge sheet has been submitted in this case and the



petitioner is in custody since 26.08.2021. The petitioner has got no criminal history.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that recovery of pistol and bullet has been made from the house of the petitioner and the deceased was present in the house of the petitioner so, the petitioner was duty bound to explain the circumstances of his death.

Perused the records.

Having regard to the submission made on behalf of the parties and considering the fact that nothing of substance came up against this petitioner to connect him with the crime except for recovery of a weapon which is yet to be established as the weapon of crime and further considering the period of custody and the clean antecedent of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnia in connection with K. Hat (Madhubani) P.S. Case No. 767 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions,



(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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