

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69213 of 2021**

Arising Out of PS. Case No.-75 Year-2020 Thana- PURNAHYA District- Sheohar

Rahul Jha, Son of Sanjay Jha, Resident of Village- Dostiya North, P.S.-  
Purnahiya, Dist- Sheohar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                               |
|--------------------------|---|-------------------------------|
| For the Petitioner/s     | : | Mr.Vikash Kumar Jha, Advocate |
| For the Opposite Party/s | : | Mr.Shantanu Kumar, APP        |
| For the informant        | : | Mr. Arun Kumar, Advocate      |

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

3      26-09-2022      Today, a supplementary affidavit on behalf of the  
petitioner has been filed in the Court, which is taken on record.

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

Let the defect(s), if any, as pointed out by the office  
be removed within 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 Purnahiya P.S. Case No. 75 of 2020 registered  
for the alleged offences under Sections 302/120 B of the Indian  
Penal Code and Section 27 of the Arms Act.

As per prosecution case, the FIR named co-accused  
persons reached the orchard of the informant and two of the co-  
accused persons shot dead the younger son of the informant.



The occurrence took place in the background of some of the co-accused persons pressurizing the informant for registration of the some land and there was land dispute as well. The name of the petitioner transpired as one of the accused persons during investigation.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR and no recovery has been made at his instance. The name of the petitioner came up during investigation as the petitioner was apprehended in some other case and his extrajudicial confession was extracted by the police and he has been made accused in this case. The said confessional statement did not lead to any recovery or the discovery of any material fact. The petitioner is a student of Intermediate and is in custody since 10.09.2020. The charge sheet has been submitted. The learned counsel further submits that other co-accused persons have been granted bail/anticipatory bail by different Coordinate Benches of this Court in Cr. Misc. Nos. 31467 of 2020, 2498 of 2021, 41165 of 2020, 29691 of 2021 and 54213 of 2021, respectively.

Learned A.P.P. as well as learned counsel appearing on behalf of the informant opposes the prayer for bail. However, learned APP concedes that apart from the extrajudicial



confession of the petitioner, nothing has come on record to connect the petitioner with the crime of murder of the son of the informant. The petitioner has got criminal antecedent.

Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that the name of the petitioner has come up in the confessional statement and nothing has been recovered at his instance and further considering the distinct lack of material fact against the petitioner and also considering the submission of charge sheet and the period of custody of the petitioner, he 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 Additional Chief Judicial Magistrate-II, Sheohar, in connection with Purnahiya P.S. Case No. 75 of 2020, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.



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

(iv) 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.

V.K.Pandey/-

**(Arun Kumar Jha, J)**

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