

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.7799 of 2023

Arising Out of PS. Case No.-61 Year-2011 Thana- JOGBANI District- Araria

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1. PASHUPATI NATH JHA @ BUDDARTH JHA Son of Late Bhola Jha Resident of village - Bhadreshwar (Bhadesar), Ward no. 6, P.S.- Jogbani (Bathnaha), District - Araria
 2. Raman Jha @ Raman Kr. Jha Son of Pashupati Nath Jha @ Buddarth Jha Resident of village - Bhadreshwar (Bhadesar) , ward no. 6, P.S.- Jogbani (Bathnaha), District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Mishra
For the Opposite Party/s : Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of regular bail, arises out of Jogbani (Bathnaha) Police Station Case no. 61 of 2011 dated 29.06.2011, disclosing offences under Sections 302/201/34 of the Indian Penal Code.

The prosecution story, as per the First Information Report, is that on 26.06.2011 at about 04:00 pm, the husband of the informant had gone to the market to bring vegetables, but



did not return back till 11:00 pm in the night. Upon search, on 29.06.2011 at about 08:00 am, one unknown vegetable vendor gave information to the informant that dead body of a person was lying near the railway line.

It was found that the dead body was of the husband of the informant. Accordingly, on 29.06.2011 informant lodged First Information Report raising suspicion against the petitioners, who are brother and nephew of the deceased.

Learned counsel for the petitioners submits that the petitioners have not committed any offence as alleged and they have falsely been implicated in this case, merely on the basis of suspicion. There was dispute of share between the petitioners and the deceased/husband of the informant.

Learned counsel further submits that the dead body of the husband of the informant was found near the Railway line after three days of leaving his house and the deceased was not seen lastly with the petitioners.

He also submits that during the course of investigation, no material was collected by the police against the petitioners and the police has submitted the final form, not sending the petitioners for trial. However, learned Magistrate differed with the police report and took cognizance against the



petitioners in 2017.

He next submits that one of the co-accused, namely, Pawan Jha, another son of the petitioner no. 1, has already been granted anticipatory bail by a Co-ordinate Bench of this Court in Criminal Miscellaneous No. 70574 of 2022.

The petitioners are in custody since 22.12.2022

Regards being had to the submissions made by the parties and taking into consideration the fact that the police after investigation has submitted final form, not sending the petitioners for trial and that the petitioners have been made accused on the basis of suspicion and the co-accused has been granted anticipatory bail by a Co-ordinate Bench of this Court, accordingly, I am inclined to grant regular bail to the petitioners.

Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount, each to the satisfaction of learned Judicial Magistrate 1st Class, Araria in connection to the Jogbani (Bathnaha) Police Station Case no. 61 of 2011 dated 29.06.2011, disclosing offences under Sections 302/201/34 of the Indian Penal Code.

This is subject to the condition that the petitioners shall present themselves before the Court, as and when required



and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J)

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