

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13326 of 2023

Arising Out of PS. Case No.-219 Year-2021 Thana- MANIGACHI District- Darbhanga

Chandan Jha Son of Santosh Jha R/V- Rashidpur, P.S.- Bahera, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Opposite Party/s	:	Mr. Tarkeshwar Nath Thakur, APP
For the Informant	:	Mr. Sanjeev Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-06-2023 Heard learned counsel for the petitioner, learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioner seeks bail who is in custody since 23.12.2022 in connection with Manigachhi (Bajitpur O.P.) P.S. Case No. 219 of 2021, F.I.R. dated 01.11.2021 for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307 and 302 of the Indian Penal Code.

According to prosecution case, all the named accused



persons including the petitioner with 15-20 unknown persons armed with lathi, danda, iron rod and pagharia started dismantling the shop and brutally assaulted the son of the informant as well as one Rahul Mishra. It is further alleged that due to severe injuries, the son of the informant, namely, Abhishek Jha died during the course of treatment.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis of suspicion. He further submits that the informant is not the eye witness of the alleged occurrence. He further submits that it has come during investigation that the co-accused, namely, Abhijit Jha has assaulted the deceased and other persons including the petitioner have caught hold of the injured victim. He further submits that there is no specific allegation of assault or overt act attributed against the petitioner and at best the petitioner is one of the member of the mob. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Rajiv Kumar Jha @ Rajiv Jha has been granted bail by a co-ordinate Bench of this Court vide order dated 29.08.2022 passed in Cr. Misc. No. 11482 of 2022 and another co-accused, namely,



Raman Jha @ Ramaji Jha has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 18.05.2023 passed in Cr. Misc. No. 12059 of 2023 and another co-accused, namely, Abhijit Jha against whom the allegation of assaulting the deceased has been attributed has been granted bail by a co-ordinate Bench of this Court vide order dated 18.05.2023 passed in Cr. Misc. No. 24125 of 2023. The petitioner is in custody since 23.12.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, 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 the learned Additional Chief Judicial Magistrate-V, Darbhanga at Laheriasarai in connection with Manigachhi (Bajitpur O.P.) P.S. Case No. 219 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two



consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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