

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13950 of 2023

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

VIKASH JHA @ KALIYA Son of Subodh Jha R/V- Bathnaha, P.S- Bathnaha
Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Jha

For the Opposite Party/s : Mr. Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 26-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302, 120B of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the FIR named accused persons reached the orchard and two of the co-accused persons shot fire upon the son of the informant due to which he sustained injury and during course of treatment he died. The alleged occurrence took place in the background of some dispute.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The



petitioner is not named in FIR rather he has falsely been implicated in this case on the basis of suspicion. From perusal of FIR, it appears that the specific allegation of shot fire upon the person of the informant's son is against co-accused namely, Mritunjay Kumar Thakur and Jai Mangal Jha. There is no role of the petitioner in as alleged offence rather his name has been transpired in this case on the basis of confession made by co-accused namely, Rahul Jha who is already getting the privilege of bail granted by co-ordinate Bench of this Court vide order dated 26.9.2022 passed in Cr. Misc. No. 69213 of 2021, hence, the case of the petitioner stands on similar footing of that of the co-accused. It is further submitted that the petitioner is languishing in judicial custody since long.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Purnahiya P.S. Case No. 75 of 2020 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned Additional Sessions Judge-III, Sheohar.

(Sunil Kumar Panwar, J)

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