

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32140 of 2023

Arising Out of PS. Case No.-22 Year-2021 Thana- KHAJAU LI District- Madhubani

SANTOSH KUMAR JHA, Son of Prabodh Jha @ Pramod Narayan Jha
Resident of Village- Sukki, PS. Khajauli district- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 28-06-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

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

The petitioner has preferred this application for grant of regular bail in connection with Khajauli P.S. Case No. 22 of 2021 dated 09.02.2021 (C.R.I No. 244 of 2021) corresponding to S.T. No. 207 of 2022 registered for the offences punishable u/s 302 read with Section 34 of the Indian Penal Code.

As per the prosecution case, the nephew of the informant, co-villager Bishambhar and the petitioner Santosh Kumar Jha, went towards Uttari on two cycles. When the



informant's nephew and co-villager Bishambhar did not return till night, the informant and other villagers started searching them. The next day they were informed that two dead bodies have been found in the field of the co-accused which was identified as the nephew of the informant and co-villager Bishambhar. Later it was found that the petitioner Santosh Kumar Jha returned to his house at 12 o'clock and on being asked about the two deceased persons, he told that in Tehra village dispute arose between them and he became injured and the informant's nephew and co-villager Bishambhar fled away. It is further alleged that the said two dead bodies were dragged from the field of the co-accused Sanjay Kumar Singh to the farm of the co-accused Rambabu Singh. The field of the co-accused Sanjay Kumar Singh is fenced with live electric wire having electric current.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. Similarly situated co-accused has been granted bail by this court vide order dated 30450 of 2022. Learned counsel has further submitted that the trial has not been concluded within the period of 6 months as directed by this



Court vide order dated 10.10.2022 passed in Cr. Misc. No. 27032 of 2022. The petitioner has got clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 28.02.2022.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the prayer of bail of the petitioner has already been rejected on merit by this Court vide order dated 10.10.2022 passed in Cr. Misc. No. 27032 of 2022.

Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Madhubani in connection with Khajauli P.S. Case No. 22 of 2021 (C.R.I No. 244 of 2021) corresponding to S.T. No. 207 of 2022 with the condition :-

1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, his bail



bonds is liable to be cancelled.

The application stands allowed.

(Chandra Prakash Singh, J)

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