

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34405 of 2023

Arising Out of PS. Case No.-27 Year-2021 Thana- GHANSHYAMPUR District- Darbhanga

RAJAN JHA @ RAJAN KUMAR JHA @ CHOTU S/o Ashok Jha Resident
of village-Rasiyari, P.S.-Ghanshyampur, District-Darbhangha

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 471 of 2022 arising out of Ghanshyampur P.S. Case No. 27 of 2021, dated 11.02.2021 instituted for the offence punishable under Sections 396 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 11.02.2021 at about 12:30 am, someone knocked at informant's house and on opening the door three unknown persons forcefully entered his house and on gun point took Rs. 50,000/- from cupboard along with other item and fled away. When informant came outside he found his friend lying dead in pool of blood. The informant has given description of accused person and it matches description of Raushan Khan S/o Lalan Khan.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he is falsely implicated in this case. It is further submitted that the petitioner is not named in the F.I.R. and his name figured in this case during course of investigation on confessional statement of co-accused Ramesh Ram. He further submitted that except the confessional statement of co-accused there is no other cogent material on record to connect the petitioner with alleged crime in question. It is further submitted that no T.I.P. has been conducted till date. Lastly, it has been submitted that the petitioner is in custody since 10.01.2023, has six criminal cases against him and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II nd, Benipur, District- Darbhanga in Sessions Trial No. 471 of 2022 arising out of Ghanshyampur P.S. Case No. 27 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

Sankalp/-

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