

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33554 of 2022

Arising Out of PS. Case No.-128 Year-2021 Thana- ANDHRATHARHI District- Madhubani

JIWACHH SAH @ JIWACHH SAHU SON OF LATE RAGHUVVEER SAH
RESIDENT OF VILLAGE- GONALI, P.S.- ANDHRATHARHI,
DISTRICT- MADHUBANI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Udeshya Kr. Yadav, Advocate
For the State	:	Mr. Arun Kumar Singh, Advocate
For the Informant	:	Mrs. Archana Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 30-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Andhratharhi P.S. Case No. 128 of 2021, registered for the offences punishable under Sections 147, 341, 342, 447 and 302 of the Indian Penal Code.

The case of the prosecution, in brief, is that on 26.11.2021, the accused persons including the petitioner herein had taken the son of the informant, namely, Vikash Thakur to an orchard where they had killed him by hanging him from the tree in question. Subsequently, the informant had



reached the orchard and recovered the dead body of his son which was hanging from a tree.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 16.12.2021. It is further submitted, by referring to the materials available on record, that there is no eye witness to the alleged occurrence and, moreover, the independent witnesses have also not supported the case of the prosecution as far as the complicity of the petitioner in the alleged occurrence is concerned. It is also submitted that eight other co-accused persons, similarly situated, have already been granted the privilege of anticipatory bail by an order dated 16.01.2023 passed in Criminal Miscellaneous No. 47108 of 2022 and Criminal Miscellaneous No. 47540 of 2022.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and



circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also those contained in the case dairy, this Court finds that minuscule evidence is available on record so as to connect the petitioner with the alleged crime, apart from the fact that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Court, hence, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to 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 A.C.J.M.-II, Jhanjharpur, District-Madhubani in connection with Andhratharhi P.S. Case No. 128 of 2021.

(Mohit Kumar Shah, J)

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