

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35330 of 2023

Arising Out of PS. Case No.-465 Year-2017 Thana- BIHPUR District- Bhagalpur

DEVA JHA S/O LATE CHUNCHUN JHA R/O Village-Chauhaddi, P.S.-
Bhawanipur, Dist.-Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sandeep Jha
		Mrs. Sweta Burnwal
For the Opposite Party/s :		Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-07-2023 Learned counsel for the petitioner has filed
supplementary affidavit. Let it be kept on record.

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

The petitioner seeks bail in connection with Bihpur
(Bhawanipur) P.S. Case No. 465 of 2017 registered for the offences
punishable under Sections 147, 148, 149, 341, 323, 387, 379 and 504
of the Indian Penal Code.

As per prosecution case, petitioner and others
concertedly made firing and abusing and demanded Rs. 5,00,000/-
from the informant. It is further alleged that petitioner and others also
assaulted the informant and took away Rs. 5000 from informant's
pocket.

Learned counsel for the petitioner submits that



petitioner is in custody since 29.11.2022 and bears criminal antecedent of fifteen cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is quite innocent and committed no offence as alleged in the FIR. He further submits that petitioner has falsely been implicated in the case on account of having series of criminal antecedent. Learned counsel further submits that allegation against the petitioner is general and omnibus in nature.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner keeping in view the criminal antecedent of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st class, Naugachia in connection with Bihpur (Bhawanipur) P.S. Case No. 465 of 2017, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in



bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(vi) However, if petitioner violates any of the conditions, the concerned court is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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