

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36668 of 2023

Arising Out of PS. Case No.-422 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

VIKASH JHA @ KALIYA, Son of Subodh Jha Resident of village -
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, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, APP

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

ORAL ORDER

2 07-07-2023 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 Ahiyapur P.S. Case No. 422 of
2021 dated 30.06.2021 registered for the offences punishable
u/ss 302 and 120B read with Section 34 of the Indian Penal
Code.

As per the prosecution case, two unknown miscreants
boarded on a motorcycle are alleged to have shot the
informant's brother dead.

Learned counsel for the petitioner has submitted that



the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the F.I.R. The name of the petitioner has sprung up in the confessional statement of the co-accused Aayush Singh. Nothing has been recovered from the conscious possession of the petitioner. The co-accused person has already been granted bail by the Coordinate Bench of this court vide order dated 16.12.2022 passed in Cr. Misc. No. 55769 of 2022. It is further submitted that on the alleged date of occurrence, the petitioner was in judicial custody at Tihar Jail, Delhi in connection with Special Cell New Delhi P.S. Case No. 189/2019 dated 17.11.2019 as stated in para 14 of the bail petition. There is no material against the petitioner except criminal antecedents. The petitioner is accused in 22 other criminal cases as stated in para 3 of the bail petition. The petitioner was remanded in this case on 18.05.2022 from Special Cell New Delhi P.S. Case No. 189/2019.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

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, Muzaffarpur in connection with Ahiyapur P.S. Case No. 422 of 2021 with the conditions :-

1. One of the bailors shall be a close relative of the petitioner who shall give genealogy as to how he is related to the petitioner.
2. 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 are liable to be cancelled.
3. If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bonds.

The application stands allowed.

(Chandra Prakash Singh, J)

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