

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38877 of 2023

Arising Out of PS. Case No.-39 Year-2022 Thana- DARBHANGA District- Darbhanga

SHIV KUMAR JHA son of Late Navo Narayan Jha, Resident of Mohalla-
GM Road, Rajkumar Ganj PS- town Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate

Mr. Shivam, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 09-08-2023

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Session Trial no.217 of 2022 (arising out of Darbhanga Town P.S. Case no.39 of 2022) registered under sections 307, 147, 149, 341, 323, 325, 327, 285, 288, 354 and 436 of the Indian Penal Code to which section 302 of the Indian Penal Code was added later on.

3. The earlier application for bail of the petitioner was rejected vide order dated 16.1.2023 (Annexure-1) passed in Cr. Misc. no.26696 of 2022.

4. As per the prosecution case, it is stated that the petitioner who wanted to take forcible possession came to the place of occurrence, hurled abuses and threatened that the informant should vacate the house. The next day ie on the date of



occurrence the petitioner along with 40 others came along with JCB machine and made an attempt to demolish the house of the informant. The petitioner is said to have poured petrol on the informant's brother Sanjay Kumar Jha and his sister Pinki Kumari, both of whom died in course of treatment.

5. Shri. P.N. Shahi, learned Senior Advocate appearing for the petitioner submitted that the petitioner has been falsely implicated in the case because of land dispute. Referring to the deposition of the seven prosecution witnesses examined in course of trial, it is submitted that they do not support the prosecution case. Even the informant (P.W-6) states that she did not take the name of the petitioner. There is no chance of the trial ending in the conviction of the petitioner who has remained in custody since 18.2.2022 and undertakes to cooperate in the trial. He has no criminal antecedent. It is lastly submitted that there is no chance of the trial concluding in the near future for the reason that as per instructions received, the Presiding Officer has been transferred and the Court is vacant.

6. Learned A.P.P for the State has opposed the prayer for bail submitting that there is direct allegation against this petitioner of having poured kerosene oil and of having burnt the sister and brother of the informant, both of whom died in course of treatment.



7. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner in the F.I.R, the substance of the allegation having been supported by the prosecution witness (P.W-3), it further transpiring in the deposition of P.W-6 that besides the brother, the sister of the informant who died was in the family way and the trial having progressed with seven witnesses having been examined on behalf of the prosecution, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

8. In case, as submitted above, the Court where the trial was proceeding has fallen vacant because of transfer of the learned Judge, the petitioner will be at liberty to move before the learned Sessions Judge for transfer of his case to some other Court.

(Partha Sarthy, J)

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