

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40515 of 2023

Arising Out of PS. Case No.-466 Year-2017 Thana- BIHPUR District- Bhagalpur

DEVA JHA @ DEVANAND JHA Son of Late Chunchun Jha Resident of
village-Chauhaddi, P.S.-Bhawanipur, District-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-07-2023 Heard Mr. Rajesh Kumar Pandey, learned counsel for
the petitioner and the State.

The petitioner is in custody in connection with
Bihpur(Bhawanipur) P.S. Case No. 466 of 2017 for the offence
under Sections 147, 148, 149, 447, 448, 387, 427, 504 and 506
of the Indian Penal Code and Section 27 of Arms Act lodged on
05.11.2017 by the informant, Ajay Yadav.

The prosecution case, in brief, is that, on 03-11-2017,
petitioner including other eight miscreants allegedly came at the
door step of informant and started abusing and firing on tyres of
tractor parked near the house of the informant. Thereafter, they
demanded ransom of Rs. Five lakh and threatened him of dire
consequences for non fulfillment of the same. Informant feared
and concealed himself in the house and informed the police.



When the miscreants came to know that police is arriving, they fled from the place of incident. Informant handed over 15 empty cartridges to the police.

It has been submitted by the learned counsel for the petitioner that omnibus allegation has been made against all the nine accused persons and he found himself implicated only because he has a number of cases under his belt. Further, he is in custody since 06.02.2023 (as stated in paragraph 4 of the petition).

The last submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner (s) on his own would like to contribute towards the medical assistance of Rs. 50,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

Learned APP opposes the prayer stating that allegation of firing is against this petitioner amongst others.

Considering the kind of omnibus allegation against the petitioner as also his period of custody since 06.02.2023 and as per the undertaking given by the learned counsel for the petitioner of making payment of Rs. 50,000/- to the informant,



this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M. 1st, Naugachia, in connection with Bihpur (Bhawanipur) P.S. Case No. 466 of 2017 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

With the aforesaid observations, the application is
allowed.

(Rajiv Roy, J)

Jagdish/Kiran/-

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