

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44349 of 2023

Arising Out of PS. Case No.-482 Year-2022 Thana- KUDHNI District- Muzaffarpur

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AMIT KUMAR JHA @ CHANDAN KUMAR @ AMIT KUMAR Son of
Shankar Jha Resident of village - Balara, P.S. - Kudhani, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Ms. Priyanka Singh, Advocate
For the Opposite Party/s :	Mr. Asha Devi, A.P.P.
For the Informant :	Mr. Om Prakash Om, Advocate

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 15-09-2023 Heard learned counsel for the petitioner, learned A.P.P for
the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with Kudhani
P.S. Case No. 482 of 2022 dated 04.10.2022 registered for the
offence punishable under Sections 302 and 120(B) of the Indian
Penal Code.

3. The prosecution case, in short, is that on 04.10.2022,
the informant got information about the murder of his nephew,
namely, Sanjay Kumar Jha (deceased). It is alleged that the
informant went at the place of occurrence and found the dead
body of his nephew in the pool of blood and his throat was slit
with sharp edged weapon. It is further alleged that the son of the
deceased told the informant that in the night at about 03:00 am,



he found that his mother was missing from the bed and he also heard some whispering sound at the *Verandah*. Further, the son of the deceased told that some medicine was given by the petitioner to him to be handed over to his mother. It is further alleged that some affairs was going on between the petitioner and the wife of the deceased. Upon which, F.I.R. has been lodged against the petitioner and the wife of the deceased.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Only on the basis of suspicion, petitioner has been made accused in this case. There is no eye witness to the occurrence. It is also submitted that the petitioner has no concern with the wife of the deceased. Petitioner is younger cousin and neighbour of the deceased. It is further submitted that several times, the deceased used to quarrel with his wife and the petitioner always tried to settle the dispute between them. Further, the counsel for the petitioner submits that the informant alleges in the F.I.R. that the wife of the deceased, namely, Juli Devi had fled away with the petitioner about 8 to 10 months ago, which is false and concocted and no F.I.R. was lodged against the petitioner in this regard. Lastly, it has been submitted that the petitioner is in custody since 11.10.2022, having no criminal antecedent and



charge-sheet has been submitted in the case.

5. Learned A.P.P for the State as well as learned counsel for the informant vehemently opposes the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1st (West), Muzaffarpur in connection with Kudhani P.S. Case No. 482 of 2022.

(Khatim Reza, J)

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