

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49279 of 2023

Arising Out of PS. Case No.-14 Year-2018 Thana- BAKHARI District- Begusarai

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GUDDAN JHA @ MARUTINANDAN JHA SON OF TRIPIT NARAYAN
JHA @ TRIPTI NARAYAN JAH RESIDENT OF VILLAGE- PARIHARA,
PS- BAKHRI, DIST- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Randhir Kumar No.1, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 08-08-2023 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. Petitioner, who is in custody since 23.09.2022 seeks bail, in connection with S. Tr. No.447/2022, arising out of Bakhri P.S. Case No.14/2018, dated 20.01.2018, for the offences punishable under Sections 302/34, 120B of the IPC & Section 27 of the Arms Act.
3. According to prosecution case, the petitioner along with other co-accused persons have fired upon the brother of the informant with an intention to commit his murder, causing firearm injury to him.
4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He



further submits that from perusal of the F.I.R., it appears that the F.I.R is in two parts. In first part, there is general and omnibus allegation against all the accused persons including the petitioner and in second part, there is specific allegation against the co-accused persons, namely, Vinay Sah, Lalo Sahni, Swet Kumar Mahto @ Mahanth and Sushil Singh, who have fired upon the brother of the informant and there is no specific allegation of any assault or overt act attributed against the petitioner. He further submits that co-accused, namely, Santosh Singh, Lalbabu Sahani @ Lalo Sahni and Swet Kumar @ Markanth @ Mahanth Shwet Dass @ Mahanth against whom there is allegation of firing have been granted bail by a co-ordinate Bench of this Court vide order dated 19.11.2022, 21.06.2023 & 24.06.2023 passed in Cr. Misc. No. 16566/2022, Cr. Misc. No.31593/2023 & Cr. Misc. No. 34024/2023 respectively. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 23.09.2022.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried four criminal antecedent other than the present one but fairly submits



on the basis of para-3 of the bail petition that out of four cases, the petitioner is on bail in two cases.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II, Begusarai in connection with S. Tr. No.447/2022, arising out of Bakhari P.S. Case No.14/2018, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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