

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51445 of 2022

Arising Out of PS. Case No.-29 Year-2022 Thana- MUSRIGHRARI District- Samastipur

KISHAN JHA S/O MANIKANT JHA Resident of village- Lat Basepura P.S.-
Musarigharari, District- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sujit Kumar Singh, Adv.

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 24-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 364, 365 and 385 of the Indian Penal Code but the police after investigation submitted charge sheet against the petitioner under Sections 364, 365, 385, 302 and 201 of the Indian Penal Code.

According to prosecution case, there is allegation against the petitioner that he along with other co-accused persons have committed murder of the brother of the informant namely, Md. Khalil Alam.

Learned counsel for the petitioner submits that before lodging of the present F.I.R., the petitioner has clean antecedent but after filing of the present case, the petitioner has falsely been



implicated in one case as mentioned in paragraph-3 of the bail petition, which has been instituted on the basis of confessional statement of co-accused namely, Anurag Jha.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired in the present case on the basis of confessional statement of co-accused namely, Vipul Jha. He further submits that the informant is not an eyewitness of the alleged occurrence and except the confessional statement of co-accused namely, Vipul Jha, no other cogent material has come during investigation against the petitioner and similarly situated, co-accused, namely, Anurag Jha has been granted bail by a co-ordinate Bench of this Court vide order dated 09.01.2023 passed in Cr. Misc. No. 41934/2022 and the police after investigation submitted charge sheet against the petitioner. The petitioner is in custody since 23.02.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

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 Court below where the case is pending in connection with Musarigharari P.S. Case No. 29/2022, 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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