

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57127 of 2022

Arising Out of PS. Case No.-158 Year-2021 Thana- SARSI District- Purnia

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Keshav Kumar Jha, Son of Sri Lalit Jha Resident of Village - Marwari
Dharmshala, P.s.- Naugachhya, Distt.- Bhagalpur. Permanent Address at -
Bhagwa, P.s.- Simiri Bakhtiyarpur, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Yadav

For the Opposite Party/s : Mr. Ram Naresh Ray

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 28-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Sarsi P.
S. Case No. 158 of 2021, registered for the offences
punishable under Sections 302 and 120(B) of the Indian
Penal Code and Section 27 of the Arms Act, 1959.

The prosecution case as emerges from the FIR is
that when the informant, who is Member of Ward No. 10 of



Zila Parishad, was standing at a Tea Stall of one Sanjay Sah at Sarsi Chowk, she saw Ashish Singh @ Athiya came running from the Bank side armed with pistol and came near her husband and fired on his head, as a result of which her husband became injured and fell down. Again on the order of one Sudesh Singh, he came and fired twice. At that time, two unknown persons were also with him. Apart from them, several other persons have seen the said occurrence. Her husband died on the place of occurrence and after firing they all fled away.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case only on the basis of suspicion. He further submits that the petitioner is not named in the F.I.R. He also submits that his name transpired in the confessional statement of one of the co-accused Ashish Singh @ Ataiya. He further submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioner has been languishing in jail since 22.04.2022.



It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in three other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. 3rd Additional Sessions Judge, Purnea/ Successor Court, in connection with Sarsi P. S. Case No. 158 of 2021, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hamper on account of his



absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the



certified copy of this order only after removal of office
objections.

(Jitendra Kumar, J)

skm/-

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