

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62065 of 2023

Arising Out of PS. Case No.-98 Year-2017 Thana- BAKHARI District- Begusarai

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Guddan Jha @ Marutinandan Jha Son Of Tripit Narayan Jha@ Tripti Narayan
Jha Resident Of Village- Parihara, Ps- Bakhari, Distt- 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

For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 13-12-2023 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a case registered for the offences punishable under Sections 302/34, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

It is alleged that all the F.I.R named accused persons including the petitioner shot fire at the brother of the informant, as a result of which, he sustained gunshot injuries and died at the spot. It is alleged against the petitioner that he shot fire at the deceased which hit on the palm of the deceased.



It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. It is the specific case of the informant that four persons shot at the deceased but the postmortem report of the deceased suggests only two gunshot injuries on the person of the deceased which itself shows that informant is not the eye witness to the occurrence. The postmortem report suggests that deceased received gunshot injuries on the left side of cranial cavity posterior to left orbit and upper abdomen. Hence, the case of the prosecution that petitioner fired at the deceased which hit on the palm, appears to be superficial not corroborating the case of the prosecution as against the petitioner. The petitioner is languishing in custody since 27.03.2023. Moreover, other similarly situated co-accused has been granted bail by a coordinate Bench of this Court vide order dated 05.12.2018 passed in Cr. Misc. No. 72015 of 2018.

In contra, learned A.P.P appearing on behalf of



the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XI, Begusarai in connection with Sessions Trial No. 142 A of 2018, arising out of Bakhari P.S. Case No. 98 of 2017.

(Sunil Kumar Panwar, J)

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