

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70574 of 2022

Arising Out of PS. Case No.-61 Year-2011 Thana- JOGBANI District- Araria

1. PASHUPATI NATH JHA @ BUDARTH JHA @ BUDDHARTH JHA Son of Late Bhola Jha Resident of Village - Bhadesar, Police Station - Jogbani, District - Araria
2. Pawan Jha @ Pawan Kumar Jha Son of Pashupati Nath Jha @ Budarth Jha @ Buddharth Jha Resident of Village - Bhadesar, Police Station - Jogbani, District - Araria
3. Raman Jha @ Raman Kumar Jha Son of Pashupati Nath Jha @ Budarth Jha @ Buddharth Jha Resident of Village - Bhadesar, Police Station - Jogbani, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 28-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

At the outset, learned counsel for the petitioners have submitted that the the petitioner no. 1 and 3 have been arrested and they earlier withdrew their application *vide* order dated 25.01.2023.

The Petitioner is apprehending his arrest in a case



registered for the offences punishable u/s 302 and 201 read with section 34 of the Indian Penal Code.

As per the prosecution case, on 26.06.2011 at about 4 P.M., the informant's husband went to the market for purchasing vegetables but he did not return till 11 PM, thereafter the family members started searching him. Subsequently, on 29.06.2011 a dead body was found on railway track. The informant suspected that the petitioner and the co-accused persons committed murder of the informant's husband and threw his body on railway track with a view to disappear the evidence.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. There is no eye witness in this case. There is general and omnibus allegation against the petitioner. The petitioner is the cousin nephew of the informant. There is land dispute between the parties. Learned counsel for the petitioner has further submitted that no one had seen the deceased with the petitioner on the alleged date of occurrence and the dead body of the deceased was found after three days. The father of the petitioner is already in custody. The petitioner has no criminal antecedent as stated at para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed



the bail petition of the petitioner.

Considering the aforesaid facts and circumstances as well as the allegation being general and omnibus, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Araria in connection with Jogbani (Bathnaha) P.S. Case No. 61 of 2011, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

1. The court below shall verify the criminal antecedent of the petitioner and at any stage, if 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.

The application stands allowed.

(Chandra Prakash Singh, J)

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