

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4661 of 2023

Arising Out of PS. Case No.-207 Year-2021 Thana- MANIGACHI District- Darbhanga

1. JYOTI DEVI Wife of Rajesh Raushan Resident of village - Milki, Police Station - Alinagar, District - Darbhanga. At present resident of village - Bhandarisum, Police Station - Manigachhi, District - Darbhanga.
2. Devesh Kumar Jha @ Rishi Baba Son of Bipin Jha @ Bipin Kumar Jha Resident of village - Bhandarisum, Police Station - Manigachhi, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
		Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s	:	Mr. Nand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 22-06-2023 Heard Mr. N.K. Agrawal, learned senior counsel for the petitioners assisted by Mr. Nilendu Kumar Choudhary, Advocate and Mr. Nand Kumar, learned Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 16.04.2022 and 03.12.2021 in connection with Manigachhi P.S. Case No. 207 of 2021, F.I.R. dated 06.10.2021 for the offences punishable under Sections 302, 120(B), 201 and 34 of the Indian Penal Code.

According to prosecution case, in brief is that on 04.10.2021 at about 6:30 P.M., the son of the informant namely,



Rajesh Raushan Jha (deceased) told the informant that his brother-in-law namely, Devesh Jha, one of the co-accused of this case has asked him to come to his house where he shall prepare documents relating to the marriage of his sister Jyoti Devi with him and also pertaining to her divorce from her 1st husband. The son of the informant, after disclosing this fact to the informant, left his house and went to the parental house of his wife Jyoti Deiv at village Bhandarso, alongwith the co-accused Devesh Jha @ Rishi Baba. On the next day on 05.10.2021 the informant got information that the dead body of her son was traced out near a pond in the village Bhandarso. It has been alleged that the accused persons including the petitioners

Learned senior counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case merely on the basis of suspicion. He further submits that nothing has come during investigation against these petitioners and except the C.D.R. mobile of petitioner no.2, namely, Devesh Kumar Jha who happens to be elder brother of petitioner no.1. He further submits that similarly situated, co-accused, namely, Anuj Kumar Jha has been granted bail by a co-ordinate Bench of this Court vide order dated



17.08.2022 passed in Cr. Misc. No. 7688 of 2022. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 16.04.2022 and 03.12.2021 respectively.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-Vth, Darbhanga in connection with Manigachhi P.S. Case No. 207 of 2021, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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