

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15597 of 2024

Arising Out of PS. Case No.-202 Year-2021 Thana- DUMRA District- Sitamarhi

Vikash Jha @ Kaliya, son of Subodh Jha, Resident of Village- Bathanaha,
P.S.- Bathnaha, District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Ashar Mustafa, Advocate
		Mr.Vikash Kumar Jha, Advocate
For the Opposite Party/s	:	Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 17-05-2024 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the

State.

2. The petitioner seeks bail in connection with

Dumra P.S. Case No. 202 of 2021 registered for the offence

under Sections 302/34 of the Indian Penal Code and Section

27 of the Arms Act.

3. The accused/petitioner is not named in the

F.I.R. and is in custody since 08.11.2023.

4. The allegation against the petitioner is to

commit murder of son of the informant causing fire-arm

injury alongwith other unknown co-accused persons.

5. Learned counsel appearing on behalf of the



petitioner submitted that petitioner is not named in the F.I.R. where allegation is also appearing very much general and omnibus. It is submitted that on the date of occurrence the petitioner was confined in Tihar Jail in connection with New Delhi Special Cell P.S. Case No. 189/2019 registered under Section 25(1-b)a, 27 of the Arms Act, and mere on the basis of suspicion, as petitioner found involved in 25 cases and on suspicion that present occurrence took place on his direction, he was named with the crime in question, without having any cogent and connecting materials.

6. It is submitted that out of 25 cases, around in 20 cases petitioner is on bail, wherein maximum of the cases the name of the petitioner surfaced on the basis of suspicion as of present case having otherwise no bearing on the merit of the present case. It is submitted that similarly co-accused namely, Ramji Rai having same criminal antecedent, has been granted privilege of bail by one of the learned coordinate Bench of this Court through Cr. Misc. No. 60901 of 2021 dated 14.11.2022. While concluding argument, learned counsel submits that now investigation of this case is



completed and charge-sheet has been submitted, as such there is no chance of tampering with the evidence.

7. Learned A.P.P. for the State opposes the prayer of bail.

8. Considering aforesaid facts and circumstances as save and except suspicion, nothing appears incriminating against the petitioner coupled with the fact that charge-sheet has already been submitted, as also petitioner is in custody since 08.11.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Dumra P.S. Case No. 202 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VII, Sitamarhi/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. and further condition that:

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the



cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J.)

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