

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70130 of 2023

Arising Out of PS. Case No.-161 Year-2017 Thana- SHASTRINAGAR District- Patna

Shivendra Kumar Jha @ Tunna Jha, son of Ram Kishore Jha, Resident of
Village Salempur, Police Station - Mushrigharari, District - Samastipur.

... .. Petitioner

Versus

The State of Bihar Patna

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms.Parul Prasad, Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-02-2024 Heard learned counsel for the petitioner and learned APP for
the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Shastri Nagar P.S. Case No. 161 of 2017 registered for the offences punishable under Sections 302, 324, 120-B and 34 of the Indian Penal Code and section 27 of the Arms Act. He has one criminal antecedent as stated in paragraph '3' of the application.

3. Allegation against the petitioner is to shot dead the son of the informant along with other accused persons.

4. Learned counsel appearing on behalf of the petitioner submitted that there is no eye witness of the occurrence, where allegation is also appearing very much general and omnibus and out of previous enmity and village politics, petitioner was named with the present case. It is submitted that taking note this fact, co-accused



Rakesh Kumar Jha @ Rakesh Jha and co-accused Manoranjan Giri @ Manoranjan Kumar Giri have been granted privilege of anticipatory bail by learned coordinate Bench of this Court through Cr. Misc. No. 18028/2017 dated 09.11.2017 and Cr. Misc. No. 39222/2017 dated 02.02.2018 respectively. While concluding argument, learned counsel submitted that finding of the learned court below that the occurrence arises out of admitted land dispute is not appearing convincing on it's face as F.I.R. instead of land dispute suggesting previous criminal litigations and as far delay part is concerned, petitioner was not aware about the present F.I.R. and he came to know about proceeding only after arrest of his nephew/co-accused namely, Sajan Jha. It is further submitted that petitioner found involved in one more criminal case of petty nature, where he is on bail.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. In view of the aforesaid factual submissions and by taking note of the fact as save and except suspicion *prima-facie* nothing appears incriminating against petitioner, where similarly situated co-accused persons have already been granted privilege of anticipatory bail by learned coordinate Bench of this Court, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from today, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two



sureties of the like amount each to the satisfaction of learned
A.C.J.M.- IV, Patna, in connection with Shastri Nagar P.S. Case No.
161 of 2017, subject to the conditions as laid down under Section
438 (2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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