

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70869 of 2024

Arising Out of PS. Case No.-49 Year-2024 Thana- PHULPARAS District- Madhubani

Sanjay Kumar Jha, Son of Late Braj Kishor Jha, R/v- Sudai, P.O.- Sudai
Ratauli, P.S. -Phulparas, Distt -Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prasenjit Pritam, Advocate Mr. Nitesh Kumar, Advocate
For the Opposite Party/s	:	Mr. M. K. Nirala, APP
For the Informant	:	Mr. Rama Kant Sharma, Sr. Advocate Smt. Renu Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-10-2024 Heard Mr. Prasenjit Pritam, learned Advocate for the petitioner and learned APP for the State. The informant is represented through Mr. Rama Kant Sharma, learned Senior Advocate along with Smt. Renu Jha, learned Advocate.

2. The petitioner seeks regular bail, who is in custody in connection with Phulparas P.S. Case No. 49 of 2024 registered for the offences punishable under Sections 302, 307, 506, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Based upon the written report, the prosecution alleges that on 06.02.2024 at around 9.45 AM, while cousin brother-in-law of the informant was forcibly constructed some



portion of the house in the share of the informant, the same was objected by her. The husband of the informant also tried to persuade him to stop the construction till demarcation is made, but to no use and he remained adamant; and both the parties entered in altercation, in the meantime, the daughter of the petitioner brought a pistol and handed over to the petitioner and made exhortation to kill the enemies. Whereupon this petitioner made indiscriminate firing upon the husband of the informant and her mother in law, due to which they sustained firearm injury, leading to their death. In the meantime, when the cousin father-in-law of the informant and others came to their rescue, they were also shot by the petitioner, resulting into serious injuries.

4. Learned Advocate for the petitioner contended that the occurrence took place at 9.45 AM on 06.02.2024, but the F.I.R. has been instituted on 07.02.2024. The occurrence took place on the premise of land dispute, as the other side wanted to grab the land. It is also the contention of the learned Advocate for the petitioner that the investigation of the crime is complete and charge-sheet has been submitted and, as such, keeping the petitioner behind the bar would serve no purpose; moreover, he would abide by the order/judgment of the trial court.



5. On the other hand, learned APP for the State as well as informant vehemently oppose the bail application and submit that there is specific accusation of firing against the petitioner, leading to death of two persons and injury to three persons. The informant is eye witness to the alleged occurrence and the injured persons, who sustained injury, have supported the prosecution case.

6. Mr. Sharma, learned Senior Advocate for the informant while adverting to the aforesaid facts also contended that now the trial is going on and three witnesses have already been examined in the case, who supported the prosecution case.

7. Regard being had to the submissions made on behalf of the parties and taking note of the specific accusation of firing against the petitioner, leading to instantaneous death of two persons and firearm injuries to other three persons, this Court is not acceded to the prayer of the petitioner for grant of bail.

8. Accordingly, the prayer for grant of bail to the petitioner stands rejected.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

