

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80448 of 2024

Arising Out of PS. Case No.-53 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Aditya Raj @ Chhotu Jha Son of Sanjay Jha Resident of Village- Kahra, Ward
No. 13, Police Station- Saharsa, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Kr. Jha, Adv.

For the Opposite Party/s : Ms.Dr. Indihar Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 19-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Saharsa
Sadar P.S. Case No. 53 of 2023 instituted for the offences under
Sections 307, 326, 120(B) of the Indian Penal Code and Section
25(1-B)a/26/27/35 of the Arms Act and later on added Section
302 of the I.P.C.

3. As per prosecution case, the accusation against the
petitioner is of being actively involved in the commission of
murder of the Informant's son.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



The petitioner is not named in the F.I.R. and his name has surfaced in this case on the basis of the confessional statement of the co-accused Abhinandan Kumar given before the police and he has already been granted bail by this Hon'ble Court vide order dated 21.03.2024 passed in Cr. Misc. No. 3794 of 2024. The petitioner's case stands upon better footing of the co-accused Indal Yadav and Abhinandan Kumar. He further submits that save and except confessional statement, there is nothing against the petitioner in the entire record of this case. The petitioner has been remanded in this case on 24.07.2024 and, since then, he is in judicial custody without having fault in his part. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no concern with the alleged occurrence. The petitioner has six criminal antecedents and, in all the cases, he is on bail as has been stated in Para-3 of the present bail petition.

5. Learned counsel for the petitioner again submits that the co-accused namely Rahul Kumar @ Dayashankar Rai has already been granted bail by this Hon'ble Court vide order dated 26.04.2024 passed in Cr. Misc. No. 17028 of 2024. Co-accused namely Prince Kumar has also been granted bail by this



Hon'ble Court vide order dated 09.07.2024 passed in Cr. Misc. No. 21225 of 2024

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that though the petitioner is not named in the F.I.R. but, he has been very actively involved in the commission of murder of the deceased. The petitioner has six criminal antecedent and, hence, he does not deserve bail. He further submits that initially the F.I.R. was instituted under Sections 307, 326, 120(B) of the Indian Penal Code and Section 25(1-B)a/26/27, 35 of the Arms Act but, Sanoj Yadav later on died during treatment and, thereafter, Section 302 of the I.P.C. was added.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Saharsa Sadar P.S. Case No. 53 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.



(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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